

I N D I A;
OR
FACTS
SUBMITTED TO ILLUSTRATE
THE CHARACTER AND CONDITION
OF THE
NATIVE INHABITANTS.

BY R. RICKARDS, ESQ.

I take goodness in this sense — the seeking the weal of men — which is that the Grecians call *philanthropia*. This, of all virtues and dignities of the mind, is the greatest, being the character of the Deity — and, without it, man is a busy, mischievous, wretched thing — no better than a kind of vermin.

BACON'S *Essays*, vol. ii. p. 280.

VOL. III.

LONDON: •
PUBLISHED BY SMITH, ELDER & CO.
65, CORNHILL.

1833.

ADVERTISEMENT

IN offering to the public the second chapter on the revenue systems of India, it may be necessary to apologize, again, for the length of its explanations and details. The subject being about to undergo public discussion, many persons may reasonably be supposed to desire minute information on questions of so much national importance. In this, and the preceding chapter, an attempt has therefore been made to furnish that detailed information, without which our administrative system abroad could not be understood in this country, or the facts on which it rests be altogether credited.

Among other details the story of Cass Chitty, Section IV., may be thought to be drawn into too great length; but, *at this particular crisis*, its prolixity will, perhaps, be pardoned, when it is considered that it is only one case among many; and given as a specimen of the conduct to which subordinate officers are too

frequently incited when, as in our systems, the chances of concealment and success⁶ are so greatly in their favor. In this, as in other branches of the administration, varieties will doubtless be found. Corruption may not be so common under a very able and vigilant collector. Extraordinary men will always produce extraordinary results ; but such men, and such results, be it remembered, are not of every-day occurrence.

Whether, therefore, the views I have deduced from known and recorded facts be right or wrong, an enlightened public must now judge.

CONTENTS.

PART III.—CHAPTER II.

ON THE EFFECTS OF THE REVENUE SYSTEM OF INDIA AS REGARDS THE TREATMENT AND CONDITION OF THE PEOPLE, AND THE REVOLUTION IT HAS OCCA- SIONED IN THE STATE OF LANDED PROPERTY.

Page

SECT. I.—Introductory remarks. Principles and effects
of the Mussulman financial system. Its chief pro-
vincial officers. An Indian Soubar compared with
a Turkish Pachalic. Mussulman exactions 1

SECT. II.—Canongoes and Putwaries no check on the mis-
deeds of their superiors in office. Prescribed duties
of the principal Mogul revenue officers. Impracti-
cability of the Musssulman system. Its effects on
the state and condition of the people. Conduct
of Mogul provincial officers at direct variance with
the tenor of their instructions 36

SECT. III.—State of Bengal after transfer of the Dewanny
to the Company in 1765. Description thereof by
Governor Verelst in 1769. Continued to a late pe-
riod under the British Government, and proved by
facts quoted from official records 56

SECT. IV.—State of the Madras Provinces. Case of
Causey or Cass Chitty. Exactions of native re-

venue servants universal in the collectorships under Madras	79
--	----

SECT. V.—Inefficiency of the revenue and judicial regulations to protect the Ryots. Judicial power vested in revenue officers for the more effectual detection and punishment of abuses. Effects of this change, and of the system generally, as far as can be traced from the printed official records 110

SECT. VI.—Effects of the system on the conduct and views of collectors. Hasty additions to the public revenue. Sacrifice and violation of private rights. Compulsory surrender of property 134

SECT. VII.—Subject continued — Public sales of estates to liquidate arrears of revenue. Fraudulent transfers. Abuses in the revenue administration enumerated in the preamble to Reg. I. of 1821. Remarks thereon. 153

SECT. VIII.—Attempts of Government to encrease the public revenue by resuming rent-free lands, and lands supposed to be fraudulently alienated. Opinions of the Court of Directors thereon. Different view taken by the Bengal Government, and power of deciding cases of this description vested in revenue collectors 166

SECT. IX.—Views of the Court of Directors in respect to periodical encrease of revenue — Long leases, and consequences thereof. Court's possession in favour of existing system of land-revenue. Its influence on the conduct of public servants abroad. Effects of the system in preventing the accumulation of capital. Concluding remarks on the preceding details 183

Page

SECT. X.—Decoity, or Gang-robbery..... 203

SECT. XI. —Various opinions in India as to the right of property in land. Importance of this question. Mussulman law of conquest, and of property thereon founded 215

SECT. XII.—Discoveries in respect to landed proprietary rights of great antiquity, in various parts of India, equally perfect, though variously denominated in different districts. Estates in severalty, and in co-partnership — description thereof. Different orders of persons employed in cultivation of lands 236

SECT. XIII.—State of landed property in Canara ; how affected by Mussulman conquest ; and subsequent dominion of the British Government 253

SECT. XIV.—State of landed property in Malabar. Description of proprietary rights ; modes of mortgage, assignment, and cultivation. Military service incumbent on landed proprietors and their tenants .. 268

SECT. XV. — Real landed proprietors discovered to exist in the provinces subject to the Bengal Government 284

SECT. XVI. — Landed property in India compared with that of ancient Europe — Greece, and Rome 292

SECT. XVII. — State of landed property among the ancient Germans. Points in which it resembled the existing properties of a Hindoo village 300

	Page
SECT. XVIII. — Changes which occurred in landed tenures after the irruption of the Northern barbarians into the Southern and Western countries of Europe. State of the Saxon barons of England compared with the ancient landlords of India, and with institutions still in force in Rajasthan	310
SECT. XIX.—Further points of resemblance Hindoos and ancient Germans. Metayer system of Europe compared with that of India. Laws of inheritance alike in both quarters	334
SECT. XX.—Erroneous opinions entertained in England of the real character and capacity of Indians. The European character from the same causes as little improved throughout the middle ages.....	349
SECT. XXI.—Further remarks on the Indian character compared with the European under like circumstances, as to property and political state	368
SECT. XXII.—Causes of improvement in Europe. Discovery of the art of printing. Its vast advantages and effects. Symptoms of a corresponding advancement observable in the East. Concluding remarks.	376
APPENDIX	394

ERRATUM.

Page 59, *for* Tuckary *read* Tuckavy.

WORKS

IN THE PRESS OR RECENTLY PUBLISHED BY

SMITH, ELDER AND CO.

CORNHILL, LONDON.

The **HISTORY** of INDIA. By JAMES AUGUSTUS ST. JOHN, and LEITCH RITCHIE.

The History will be divided into the three following epochs :

1st. From the earliest times to the Muhammedan conquest.

2nd. From that period to the establishment of the English in Hindoostan.

3rd. From the formation of the East India Company down to the present day. It will also embrace a geographical description of the country, with dissertations on the government, policy, religion and manners of the Hindoos.

To be published in 2 vols. demy 8vo. with a Map of India.

SCENERY, COSTUMES, and ARCHITECTURE, chiefly on the western side of INDIA. By Captain ROBERT MELVILLE GRINDLAY, of the East India Company's Army, Member of the Royal Asiatic Society, and of the Society of Arts, &c. Publishing in parts, each containing six plates, with descriptive letter-press, Atlas 4to. price 2l. 2s. Part 6, which completes the work, is nearly ready, and will contain, with the usual number of plates, a general index to the whole series.

The **ANNALS** of RAJASTHAN, or Rajpootana, the Country of the Ancient Rajpoot Tribes of Western India. By Lieut. Col. JAMES TOB, M.R.A.S. &c. In 2 vols. 4to. Illustrated by most splendid line Engravings, executed from original drawings.

The First volume, containing the geography of Rajpootana; the history of the tribes; an essay on a feudal system amongst the Rajpoots; the annals of the Mewar and the Marwar; and the narrative of journies through these states, is just published. Price £4 14s. 6d. bound in cloth.

** * Each Volume will form a complete Work in itself.*

The **BENGALÉE**; or Sketches of Society and Manners in the East. By an Officer of the Bengal Army. Post 8vo. Price 10s. 6d. boards.

An **ENGLISH, PERSIAN, and ARABIC DICTIONARY**. By JOHN RICHARDSON, F.S.A. of the Middle Temple, and of Wadham College, Oxford. A new edition, with numerous additions and improvements. Royal 4to. Price £9 9s. boards.

The **ENGLISH MASTER**, or Student's Guide to Reasoning and Composition; exhibiting an analytical View of the English Language, of the Human Mind, and of the Principles of fine Writing. By WILLIAM BANKS, Private Teacher of Composition, Intellectual Philosophy, &c. Second edition, improved. Post 8vo. Price 10s. 6d. boards.

A SYSTEM of POLITICAL ECONOMY.—On TAXES, or Public Revenue, the ultimate Incidence of their Payment, their Disbursement, and the Seats of their ultimate Consumption. By an Officer in the Civil and Military Service of the East India Company. In one volume, demy 8vo. Price 10s. 6d. boards.

The **LAST** of the **PLANTAGENETS**; an Historical Romance; illustrating some of the Public Events, and Domestic and Ecclesiastical Manners of the Fifteenth and Sixteenth Centuries. In one vol. demy 8vo. price 12s. boards.

“One of the most faithful and delicate narratives that the whole library of English romance can furnish.—The plaintiveness, purity, and simplicity of the diction, and the monastic quietness, the unaffected tenderness, and repose of the incidents, must render this volume a permanent favourite with all readers of taste and feeling.”—*Atlas*.

CHRONICLES of LONDON BRIDGE. By **RICHARD THOMSON** Esq. Author of *Tales of an Antiquary*, &c. &c. With fifty-six engravings on wood, by the first artists. In crown 8vo. price 48s. boards. Proof impressions of the plates, on large India paper, for the illustration of the *Histories of London*, &c. 31s. 6d in a portfolio.

“These Chronicles deserve a place in every library; and will long remain a sterling record both for literary recreation and reference.”—*Literary Gazette*.

An HISTORICAL VIEW of the HINDU ASTRONOMY, from the earliest Dawn of that Science in India to the present Time. In Two Parts:—Part I. containing the Ancient Astronomy. Part II. the Modern Astronomy, with an Explanation of the Apparent Cause of its Introduction, and the various Impositions that followed. To which are added, 1. Hindu Tables of Equations. 2. Remarks on the Chinese Astronomy. 3. Translations of certain Hieroglyphics, called the Zodiacs of Dendera. By **JOHN BENTLEY**, Member of the Asiatic Society. 8vo. with plates. Price 15s. boards.

THE JOURNAL of a SOLDIER; or Occurrences and Events during a Residence of nearly Forty Years in the East Indies. By Colonel **JAMES WELSH**, of the Madras Army, 2 Vols. 8vo. Illustrated with numerous maps and plates. In the press.

FITZ of FITZ-FORD; a Legend of Devon. By **MRS. BRAY**, author of “*De Foix*,” “*The White Hoods*,” “*The Protestants*,” &c. &c.

Is the tale true?

Aye marry, 'tis a tale

Of old tradition, full of wonderment

And such sweet sorrows, as make crystal beads

Hang from young maidens' eyelids, whilst the aged

Shake their gray locks, and deeply sighing, tell us

Such is the world!

Manuscript Play.

In three volumes, nearly ready.

INDIA.

PART III. REVENUE SYSTEM—CONTINUED.

CHAPTER II.

ON THE EFFECTS OF THE REVENUE SYSTEM OF INDIA,
AS REGARDS THE TREATMENT AND CONDITION OF THE
PEOPLE, AND THE REVOLUTION IT HAS OCCASIONED
IN THE STATE OF LANDED PROPERTY.

SECTION I.

Introductory Remarks. Principles and Effects of the Mussulman Financial System. Its chief provincial Officers. An Indian Soubah compared with a Turkish Pachalic. Mussulman exactions.

HAVING given an account of the Revenue Systems actually existing in the Company's territorial possessions in India, it may be useful to illustrate, more at length, some of the most important effects of these systems on the state of society, in order to judge how far it may be wise or politic to continue them, or any of them,

in full force, or to modify or to change them for something better.

We are told that ever since India has been subjected to settled governments, and inhabited by a civilized people, it has been the established and uniform practice for the ruling authorities to draw all, or almost all, their resources from the produce of agriculture. This, indeed, is the natural course, and perhaps the only alternative, of despotic power in every region. The subjects of a rigorous despot must necessarily be poor. Industry is but little stimulated except for the means of subsistence. That subsistence is derived from the soil. It becomes almost the only source of wealth. An arbitrary ruler therefore has naturally recourse to that fund from which alone his wants can be supplied; and not being squeamish as to the amount of his exactions, his portion, in one way or another, is sure to bear a constant ratio to the illimitability of his power. In the early history of nations, we accordingly find the practice very generally prevailing of dividing the produce of land, in certain proportions, between the sovereign and his subjects; or, perhaps more frequently, of the sovereign being the greatest landed proprietor of his dominions. In both cases, however, the only

wealth — the only fund — whence a public revenue can be derived, is the net produce of land. As that produce will always be great in fertile countries, where cultivation, and population, know no other limit than the too great difficulty, or expence, of raising food; and as royal despots very naturally conceive that no person in their dominions has so good a right as themselves to be rich, and that the greatest merit of faithful subjects is to contribute largely to royal wants; it is no uncommon thing, in the most productive countries of the globe, to see great wealth accumulated by the ministers of power and religion, coupled with starvation and beggary in every corner of the land, beyond the dwellings of royalty and its minions, or the temples and residences of the priesthood.

In densely peopled countries, where avaricious rulers have by degrees grasped to themselves a portion of all the products of the earth as revenue, to which they super-add a multitude of other duties, mostly affecting the cultivators of the soil, assessments necessarily become too complicated to admit of being reduced to any fair, just, or equal rates. Discretion is then the measure of exaction. Cunning and artifice on the part of the many, are thus

roused into action to ward off the extortion of their governors. Difficulties are multiplied; and as a government, under these circumstances, fancies itself entitled to the minutest information regarding the cultivation, produce, and occupancy of lands, so as not to be defrauded of a particle of its asserted rights, legions of public officers are employed, not for purposes of protection or just government, but to look after the revenues of the state; to oppose the strong hand of power to the weak efforts of evasion; and to absorb every atom of surplus, beyond what the bare subsistence of its necessary producers indispensably requires.

It is thus obviously natural, that a land tax, the only original source of public revenue, should grow into excess in the hands of irresistible power. An excessive increase, with multiplied sources of taxation, leads to corresponding complication in the details. Large establishments of public servants are demanded to realize an impracticable system; and, having the twofold object in view of satisfying the expectations of their superiors, and, at the same time, of feathering their own nests, they naturally become petty tyrants, and are aptly designated, in the language of a native historian, “as vul-

tures who gnaw the very bowels of their country.”*

In the time of the Mussulmans, Firmans, or patents of appointment, were given to the principal public officers of the state, with instructions for the execution of their public duties, from which much may be collected as to the nature of those duties, as well as the effects they produced. Of the officers immediately about the Imperial person and court, it is unnecessary to speak. They were much the same as those that are to be found in all arbitrary monarchies—some for useful purposes—others for parade, caprice, or show. For the same reason, it is unnecessary to describe the constitution of the armies of Hindostan. Enough has been said of their proceedings, under their respective rulers and commanders, in preceding pages. It is of more importance here to notice those whose duties brought them into constant and direct contact with the people at large, throughout the various provinces of the empire; many of whom, with the same, or analogous, duties, have been continued in the administration of the British government.

The empire being divided into Soubahs or provinces, the chief governor or viceroy was variously denominated Soubahdar, Se-

pahsillar, Nazim, and Nawab. According to the Ayceen Akbery, this officer was “ his “ majesty’s vicegerent. The troops and subjects of the Soubah are under his orders ; “ and the prosperity thereof depends upon “ his impartial distribution of justice.” The power of this officer was unlimited within the province. Life and death were in his hands. He was moreover answerable for the regular transmission of the revenues of his Soubah to the Khalsa, or exchequer. But having, as we have already seen, always in view the realization of private or personal wealth — to establish, when opportunity occurred, his own independence — whilst the object of his royal master was, for the same reason, to keep him poor ; jealousy, distrust, and deception were thus raised into fixed habits on both sides ; particularly as no means existed for settling differences between the parties, except, as in Turkey, by the dagger, decapitation, or recurrence to the power of the sword.*

The emperor, therefore, required from his viceroy all that could be procured in the

* Mr. Orme says of these Viceregents, that “ their contumacy in resisting their sovereign, and battling among “ themselves, was continually productive of such scenes of “ bloodshed, and of such deplorable devastation, as no other “ nation in the universe is subject to.” — Orme, *on the Government and People of Hind.* p. 399.

shape of revenue ; whilst, after the transmission of a stipulated sum to the imperial exchequer, the Soubahdar had irresistible motives for draining from the subordinate officers, and these, again, for extorting from the Ryots of the province, all that was possible for their own private benefit. Hence it is easy to perceive how the wealth of the country, as it was annually created, found its way to certain depôts, whence it never again issued but to supply the wasteful extravagance of luxurious despots, or for purposes of violence, treachery, and blood, or as prize to the strongest arm. Its producers were stimulated to annual reproduction by the irresistible necessity of providing for their own (however scanty) subsistence ; so that the surplus of every succeeding year followed that of its precursor, to be buried in the coffers of its merciless spoilers.

Under the orders of the Soubahdar, or Viceroy, was a Foujdar or officer entrusted with the charge of several pergunnabs, or districts, of the province. His duty included that of a police magistrate. He took cognizance of criminal matters within his jurisdiction ; and sometimes was employed as receiver-general of the revenues ; for all which he had troops under his orders, with corps of native militia called Fouj Sibbendy. His instructions refer chiefly to the necessity of looking

after disobedient Zemindars, and of reclaiming them, if possible, by fair means ; if not, of inflicting proper punishment, which, of course, was left to his own discretion. When he had possessed himself of the strong hold of the rebels, he was required to “act with
“ fidelity in the division of the plunder, a fifth
“ part of which he shall send to the royal
“ exchequer ; and if, after making the divi-
“ sion, there be any remainder, that shall
“ also be the property of the state.” The nature of those powers is a sufficient warrant that they never would be leniently exercised ; and, when combined with the influence of his immediate superior in the province, that the duty also would never be honestly performed.

There were Courts, called Courts of Justice, in the provinces, in which a Meer Adul, and a Cazy presided. The Cazy was appointed to try causes, the Meer Adul to pass sentence, and order punishment. The chief Civil Judge of the province was called Dewan ; he was also chief minister of the revenue department. He received his office from the Emperor, but was always the slave of the Soubahdar. Mr. Orme says that he united in his person the offices of Prime Minister, Chancellor and Secretary of State, and that from his decisions there was no appeal.

We have already seen that in these tri-

bunals, justice was but a mockery of the term ; and Courts only used as instruments of exaction in the shape of legal fees, or in the shameless sale to the highest bidder of judicial decisions, against which relief was altogether hopeless.

The internal police of large towns and cities was entrusted to an officer denominated Cutwal, with a suitable establishment under him. The business of the Cutwal, under pretence always of order and peace, involved the superintendence of as complete a system of espionage, and of secret prying into the affairs of individuals, as is to be found among the most finished contrivances of this sort in the Western world. Dividing the city into quarters, he appointed a superintendant to each, by whom he was furnished with a regular journal of the occurrences of the quarter. In each quarter he had his spies ; and, over these, other spies unknown to the former. Strangers and travellers were strictly watched, and places allotted for their residence. Among other duties, the Cutwal was required to attend carefully to the income and expences of every man. Out of each class of artificers, he selected one to be at their head, and appointed another their broker for buying and selling ; and regulated the business of the class by the reports of these officers. He was made responsible for stolen goods, unless he

produced the real or alleged thief. He was empowered to regulate weights and measures, the currency of coins, and the market prices of commodities ; to prohibit the use of spirituous liquors ; and to take charge of the effects of persons dying without heirs. Subject to his controul and arrangement, were also the supplying of water, and water courses ; the slaughtering of animals ; burning of women, or suffering them to ride on horseback. He was also to separate butchers, executioners, and other unclean persons from the rest of the community ; to prevent the confinement of persons without authority ; or the selling of slaves. He was not to suffer any one to go out of the city to purchase grain, or the rich to buy more than necessary for their own consumption. These, and other similar duties, gave ample scope to the exactions of the Cutwal ; the inhabitants being every where glad to purchase either his favour, or exemption from his vexatious interference, by such pecuniary sacrifices or contributions, as it was in their power respectively to make for the purpose ; and in Asiatic monarchies, where public offices were considered mere patents to enrich the holder, and every holder a fool that suffered himself to languish in poverty, it was not to be expected that Cutwals would display more forbearance than other func-

tionaries. Numerous subordinate officers as Daroghas, Dehdars, Negabaun, Tanahdar, Talliar, Totie, Pykes,* &c. were likewise maintained nominally for the protection of the inhabitants, but used too often as the instruments of their oppression.

Besides these officers, appointed for general and police purposes, a multitude of others were attached to the Revenue Department; but subordinate of course to the chief financial minister (*p. 8.*) called Dewan. These may be divided into two classes, viz.

* *Darogha* — Superintendant or overseer of any department, as of the police, mint, &c.

Dehdar — Village-keeper; an inferior officer of police; one of whose duties was to distrain the crop, when necessary to secure the revenue.

Negabaun — Watchman or guard; petty officer of police called also Pasbaun, Gorial, &c.

Tanahdar — The keeper or commandant of a Tannah (police station or post); a petty police officer, whose jurisdiction is subordinate to that of a Darogha.

Talliar — A guard or watchman; village police officer in the Peninsula, who gives information of crimes and offences, and escorts and protects persons travelling to neighbouring villages.

Totie — A village police officer, whose duties are confined more immediately to the village, but who also guards the crops, and assists in measuring them.

Pyke — A foot messenger; a person employed as a night-watch in a village, and as a runner or messenger on the business of revenue.

First, Officers to settle and collect the revenues.

Secondly, Officers to keep and arrange the accounts.

These officers go by different names, though their duties are alike, in different parts of India. In Bengal, where the Mussulman system of revenue and finance had its fullest effect, they are described under the following denominations; and as being commonly employed in each district or collectorship.

FIRST.

* *Aumilguzzar*—*Aumildar*—or *Aumil*, Principal Collector.

Tehsildar	. Subordinate Collector, or	} These officers were numerous in proportion to the subdivisions of each principal collectorship.
	Collector of a Sub-division.	
Zemindar	. Landholder or keeper.	
Talookdar	. Petty Landholder.	
Crorie	. Collector of a district of	
	1 Crore of Dams.	
Chowdrie	. Subordinate Collector.	
Mocuddim	. Head Ryot of a village.	
Ameen	. Supervisor.	

with their numerous subordinate establishments of Mohurrers, Pykes, Peons, &c.

* *Aumilguzzar*—Collector of the revenue. The *Aumil* had the general superintendence of a district or division

SECOND.

Tepuckchy . Head Accountant.

Serishtadar Accountant.

Canongoe . Register.

Putwary . Village Accountant.

of country, and sometimes united military with his civil and financial powers.

Tehsildar — Collector of a subdivision.

Zemindar — “ Land holder—land keeper—an officer who, under the Mahommedan government, was charged with the superintendence of the land of a district financially considered, the protection of the cultivators, and the realization of the government’s share of its produce either in money or kind; out of which he was allowed a commission amounting to about 10 per cent.; and occasionally a special grant of the government’s share of the produce of the land of a certain number of villages for his subsistence, called *Naucar*. The appointment was occasionally renewed; and as it was generally continued in the same person, so long as he conducted himself to the satisfaction of the ruling power, and even continued to his heirs; so in process of time, and through the decay of that power, and the confusion which ensued, hereditary right (at best prescriptive) was claimed and tacitly acknowledged; till at length the *Zemindars* of Bengal in particular, from being the mere superintendants of the land, have been declared the hereditary proprietors of the soil, and the before fluctuating dues of government have, under a permanent settlement, been unalterably fixed in perpetuity.” *Gloss. 5th Rep.*—They are also called *Estimandar*, and correspond with

to whom are also attached subordinate establishments. In every principal collector-

the persons named Desmook, Polygar, and Mootadar, in the peninsula.

Talookdar — Talookdars are petty Zemindars, some of whom pay their rent, or account for the collections they make from the Ryots, through a superior Zemindar, and others direct to government. Those denominated Muscoory are of the former description, and the latter are called independent Talookdars.

Crorie — A collector of one crore or, ten millions, of Dams = 250,000 Rs. A permanent revenue collector of a portion of country under the older Mahomedan government. He, sometimes for a trifling commission, made himself answerable for that amount. This officer appears to have been first appointed by Akbar, A. D. 1574. Gloss. 5. Rep.

Chowdry — An officer under the ancient Hindu system analogous to that of Zemindars under the Mahomedans. But, after the appointment or creation of Zemindars, the subordinate collectors under them were denominated Chowdries.

Mocuddim — Head Ryot or principal man in each village, who superintends the affairs of it, and, among other duties, collects the rents of government within his jurisdiction. The same officer is in Bengal called also Mundil, and in the peninsula Goad, and Potail.

Aumeen — A temporary collector or supervisor appointed to the charge of a country on particular occasions, or for some particular purpose of local investigation or arrangement.

Mohurrer — A writer or clerk in an office. *Mutseddies*,

ship, there was a Cutchery, or public office, for the despatch of revenue business; and in the

Gomastahs, and *Conicoplas*, may also be classed under the same head.

Peon — Footman; foot soldier; messenger; an inferior officer, or servant employed in revenue, police, or judicial duties. Both Pykes and Peons are generally armed with swords.

Tepuckchy — An officer under the Mahommedan government, who was appointed to receive from the Canongoes, Putwaries, and Mocuddims, their accounts—to arrange and superintend the same—and to forward statements of every thing connected with the revenues to the Presence. The Aumil also depended on the Tepuckchy for just information.

Serishtadar — Keeper of the records; or one who keeps a record of accounts on particular transactions—a revenue accountant of a district who checks the accounts of the village accountants. Sometimes the head native servant in a collector's cutchery.

Canongoe — An officer of the government whose duty was to keep a register of all circumstances relating to the land revenue, and, when called upon, to declare the customs of each district, the nature of the tenures, the quantity of land in cultivation, the nature of the produce, the amount of rent paid, &c. In the peninsula this officer is called Despondeah.

Putwary — Village accountant, who registers every thing connected with its cultivation and produce, the shares or rents of the Ryots, with the dues and rights of government in the soil; the same as Curnum and Shambogue in the peninsula. In the Ayceen Akbery the Putwary and Canongoe are thus described. “The Putwary is employed

subdivisions, every Tehsildar, Zemindar, Talookdar, Crorie, and Mocuddim, had each their separate Cutcheries, with a requisite number of subordinate servants; in other words, a full complement of public extortioners. The subordination and dependance of the inferiors warranted their co-operation, when necessary, in all the views of the superior officers of the province. From the state of agents in peculation to that of principals on their own account, the transition was but a step. The system, therefore, gave to all these parties an interest in conniving at each other's corruptions; whilst the Ryots, and real landed proprietors, were its helpless victims.

It would be tedious, if not superfluous, to enumerate all the subordinate officers attached to the Revenue Department; some to make, and some to controul, the receipts and disbursements; some to frame, with others to controul and audit accounts; besides others occasionally employed for measuring and assessing lands; weighing and watching crops,

“ on the part of the husbandman to keep an account of
 “ his receipts and disbursements; and no village is with-
 “ out one of these. The Canongoe is the protector of
 “ the husbandman, and there is one in every pergunnah.”
 vol. i. p. 358.

&c. Those above-mentioned were the principal heads of departments, who, with their numerous respective establishments, came into regular daily contact with the great mass of the people; and, together with the police officers, occupied every town and village throughout the country.

But besides the officers, or public collectors above named, with their respective establishments, the country was, as we have before seen, very generally let to farmers of the public revenue, who sub-let, again, the larger Zemindaries and Talooks, in smaller divisions, to under-farmers. The Ryots had thus another set of harpies to satiate. Money, in fact, was the universal want; and, as every public functionary in the province had an obvious inducement to disregard the means of its acquirement, where was a Ryot to seek redress against oppressive exaction, or what course could he safely pursue, but that of tame submission to the severity of his fate? Those who are familiar with the authentic accounts given by Volney, Thornton, and others, of the provinces of Turkey may best conceive the lawless state of a former Soubah of Hindostan, and the forlorn condition of its unprotected inhabitants.*

* Volney's account of a Turkish pachalic is so exact a counterpart of a soubah, or vice-royalty, of Hindostan, that I here

It has been already stated how these officers were provided for by assignments of land, or

subjoin it, with some prefatory remarks on the principles and spirit of Turkish government. It may be useful, as well as interesting, thus to mark the striking similitude of some of the most important of human institutions, — consequently of character, — among nations in different parts of the world, when the circumstances of the people are nearly, or precisely, the same.

“ Lorsque les Ottomans sous la conduite du Sultan Selim
 “ enlevèrent la Syrie aux Mamloukes, ils ne la regardèrent que
 “ comme la dépouille d’un ennemi vaincu, comme un bien
 “ acquis par le droit des armes et de la guerre. Or, dans ce
 “ droit chez les peuples barbares, le vaincu est entièrement à
 “ la discrétion du vainqueur ; il devient son esclave ; sa vie,
 “ ses biens lui appartiennent ; le vainqueur est un maître qui
 “ peut disposer de tout, qui ne doit rien, et qui fait grace de
 “ tout ce qu’il laisse. — C’est sur ces principes que fut formé
 “ même le premier état social.” This is precisely the mussul-
 man doctrine of rights in Hindostan.

“ Du faite de tant de grandeurs, quel regard un sultan
 “ abaissera-t-il vers le reste des humaines ? Que lui paraîtra
 “ cette terre qu’il possède, qu’il distribue, sinon un domaine
 “ dont il est l’absolu maître ? Que lui paraîtront ces peuples
 “ qu’il a conquis, sinon des esclaves dévoués à le servir ? Que
 “ lui paraîtront ces soldats qu’il commande, sinon des valets avec
 “ lesquels il maintient ces esclaves dans l’obéissance ? Telle est
 “ réellement la définition du gouvernement Turk. L’on peut
 “ comparer l’empire à une habitation de nos îles à sucre,
 “ où une foule d’esclaves travaillent pour le luxe d’un seul
 “ grand propriétaire sous l’inspection de quelques serviteurs
 “ qui en profitent.” (Some examples will probably occur
 “ to the reader in the preceding and following pages.)
 “ Telles sont les provinces sous le gouvernement des pachas.

by means of viceregal imposts laid on the Ryots, in addition to the "Tumar Jumma," or

" Ces provinces se trouvant encore trop vastes, les pachas
 " y ont pratiqué d'autres divisions ; et de-là cette hierar-
 " chie de préposés qui, de grade en grade, atteignent aux
 " derniers details. Dans cette série d'emplois, l'objet de la
 " commission étant toujours le même, les moyens d'exécu-
 " tion ne changent pas de nature. Ainsi le pouvoir étant,
 " dans le premier moteur, absolu et arbitraire, il se transmet
 " absolu et arbitraire à tous ses agens. Chacun d'eux est
 " l'image de son commettant." *Vide Vol. I. p. 254. 342. et*
 " *supra, p. 16.* Que l'on juge des effets d'un tel regime,
 " quand l'expérience de tous les temps a prouvé que la modéra-
 " tion est la plus difficile des vertus ; quand dans les hommes
 " même qui en sont les apôtres, elle n'est souvent qu'en théorie ;
 " que l'on juge des abus d'un pouvoir illimité dans des grands,
 " qui ne connoissent ni la souffrance, ni la pitié ; dans des par-
 " venues avides de jouir, fiers de commander, et dans les sub-
 " alternes avides de parvenir.—— C'est donc dans les pro-
 " vinces qu'il faut etudier l'action du despotisme ; et en Turquie
 " comme partout ailleurs, cette étude convainc que le pou-
 " voir arbitraire dans le souverain est funeste à l'état, parceque
 " du souverain il se transmet nécessairement à ses préposés,
 " et que dans cette transmission il devient d'autant plus abusif,
 " qu'il descend davantage, puisqu'il est vrai que le plus dur des
 " tyrans est l'esclave qui devient maitre. •

" En chaque gouvernement, le pacha étant l'image du sul-
 " tan, il est, comme lui, despote absolu, il réunit tous les pou-
 " voirs en sa personne ; il est chef, et du militaire, et des
 " finances, et de la police, et de la justice criminelle. Il a
 " droit de vie et de mort, il peut faire à son gré la paix et la
 " guerre ; en un mot, il peut tout. Le but principal de tant
 " d'autorité, est de percevoir le *tribut*, c'est à dire, de faire

standard assessment. These additional imposts served, therefore, as a sanction to the

“ passer le revenu au grand propriétaire, à ce maître qui a
 “ conquis et qui possède la terre par le droit de son *épouvant-*
 “ *able* lance. Ce devoir rempli, l’on n’en exige pas d’autres ;
 “ l’on ne s’inquiète pas même de quelle manière l’agent pour-
 “ voit à le remplir ; les moyens sont à sa discretion ; et telle
 “ est la nature des choses qu’il ne peut être délicat sur le
 “ choix, car premièrement il ne peut s’avancer ni même se
 “ maintenir qu’autant qu’il fournit des fonds ; en second lieu
 “ il ne doit sa place qu’à la faveur du vizier, ou de telle autre
 “ personne en crédit ; et cette faveur ne s’obtient et ne s’entre-
 “ tient que par une enchère sur d’autre concurrens. Il faut
 “ donc retirer de l’argent, et pour acquitter le tribut et remplir
 “ les avances, et pour soutenir sa dignité, et pour s’assurer des
 “ ressources. Aussi le premier soin d’un pacha qui arrive à
 “ son poste est il d’aviser aux moyens d’avoir de l’argent, et
 “ les plus prompts sont toujours les meilleurs. Celui qui établit
 “ l’usage pour la perception du Miri, et des douanes, est de
 “ constituer pour l’année courante un, ou plusieurs fermiers
 “ principaux, lesquels, afin de faciliter leur regie, la subdi-
 “ visent en sous-fermes qui de grade en grade descendent
 “ jusqu’aux plus petits villages.” (Farming system of India !
Vide Vol. I. p. 338—342. 353. 407. et supra, p. 17 & 35.)
 “ Le pacha donne ces emplois par enchère, parcequ’il veut en
 “ retirer le plus d’argent qu’il est possible ; de leur côté, les
 “ fermiers qui ne les prennent que pour gagner, mettent tout
 “ en œuvre pour augmenter leur recette. De-là, dans ses
 “ agens une avidité toujours voisine de la mauvaise foi ; de-là,
 “ des vexations où ils se portent d’autant plus aisément qu’elles
 “ sont toujours soutenus par l’autorité ; de-là, au sein du
 “ peuple, une faction d’hommes intéressés à multiplier ses
 “ charges. Le pacha peut s’applaudir de pénétrer aux

exactions of all who were classed on the side of power ; for it would be contrary to the

“ sources les plus profondes de l’aisance par la rapacité claire-
 “ voyante des subalternes. Mais qu’en arrive-t-il ? Le peu-
 “ ple, gêné dans la jouissance des fruits de son travail, re-
 “ streint son activité dans les bornes des premiers besoins ;
 “ le laboureur ne sème que pour vivre ; l’artisan ne travaille
 “ que pour nourrir sa famille ; s’il a quelque superflu, il le
 “ cache soigneusement ; ainsi le pouvoir arbitraire du sultan
 “ transmis au pacha et à tous ses subdélégués en donnant
 “ un libre essai à leurs passions, est devenu le mobile d’une
 “ tyrannie répandue dans toutes les classes ; et les effets en
 “ ont été de diminuer par une action réciproque l’agriculture,
 “ les arts, le commerce, la population, en un mot, tout ce qui
 “ constitue la puissance de l’état.

“ Il arrive quelquefois que les pachas, sultans dans leur
 “ province, ont entre eux des haines personnelles ; pour les
 “ satisfaire, ils se prévalent de leur pouvoir, et ils se font mu-
 “ tuellement des guerres sourdes ou déclarées, dont les effets
 “ ruineux tombent toujours sur les sujets du sultan.

“ Enfin il arrive encore que ces pachas sont tentés de s’ap-
 “ propriér ce pouvoir dont ils sont dépositaires. La porte
 “ qui a prévu ce cas, tâche d’y obvier par plusieurs moyens ;
 “ elle partage les commandemens, et tient des officiers parti-
 “ culiers dans les châteaux des capitales. — Elle envoie
 “ tous les trois mois des capidjis qui tiennent les pachas en
 “ alarmes par les ordres secrets dont ils sont porteurs ; mais
 “ souvent les pachas aussi rusés se débarrassent de ses sur-
 “ veillans incommodes : enfin elle change fréquemment les
 “ pachas de résidence, afin qu’ils n’aient pas le temps de
 “ s’affectionner un pays ; mais comme toutes les conséquences
 “ d’un ordre vicieux sont abusives, il est arrivé que les pachas,

settled principles of human nature to suppose that extortion was not carried to the ut-

“ incertain de lendemain, traitent leur province comme un
 “ lieu de passage, et n’y font aucune amélioration dont leur
 “ successeur puisse profiter ; au contraire ils se hâtent d’en
 “ épuiser les produits, et de recueillir en un jour, s’il est pos-
 “ sible, les fruits de plusieurs années. Il est vrai que de
 “ temps en temps ces concussions sont punis par le cordon.
 “ A l’un des termes de l’année une capidji arrive, montrant le
 “ firmân de prorogation ; quelquefois même apportant une
 “ seconde, une troisième *queue*, ou telle autre faveur nouvelle ;
 “ mais pendant que le pacha fait célébrer la fête, il paroît un
 “ ordre pour sa déposition, puis un autre pour son exil, et
 “ souvent un *kat-cherif* pour sa tête. Le motif en est tou-
 “ jours d’avoir vexé les sujets du sultan ; mais la porte en
 “ s’emparant du trésor du concussionnaire, et n’en rendant ja-
 “ mais rien au peuple qu’il a pillé, donne à penser qu’elle
 “ n’improove pas un pillage dont elle profite.—Les pachas ne
 “ connoissent que l’argent ; une expérience répétée n’a pu
 “ leur faire sentir que ce moyen, loin d’être le gage de leur
 “ surcté, devenoit le motif de leur perte ; ils ont la manie
 “ d’amasser des trésors, comme si l’on achetait des amis.
 “ — Emirs et pachas tous imitent le sultan : tous regardent
 “ leur pays comme une domaine, et leurs sujets comme des
 “ domestiques. Leurs sujets, à leurs tours, ne voyent en eux
 “ que des maîtres, et puisque tous se ressemblent, peu importe
 “ lequel servir. De-là, dans ces états, l’usage des troupes
 “ étrangères de préférence aux troupes nationales. Les
 “ commandans se défient de leur peuple, parcequ’ils sentent
 “ ne pas mériter son attachement ; leur but n’est de gouverner
 “ leur pays, mais de le maîtriser ; par un juste retour, leur pays
 “ s’embarrasse peu qu’on les attaque ; et les mercenaires qu’ils

most limits of discretion under governments, like the monarchies of Asia, where immode-

“ soudoyent, fidèles à leur esprit, les vendent à l’ennemi pour
 “ profiter de leur dépouille. Dâher avait nourri dix ans le
 “ barbaresque qui le tua. C’est un fait digne de remarque,
 “ que la plupart des états de l’Asie, et de l’Afrique, sur-tout
 “ depuis Mahomet, ont été gouvernés par ces principes, et
 “ qu’il n’y a pas eu de pays où l’on ait vu tant de troubles
 “ dans les états, tant de revolutions dans les empires.

“ Les sultans s’étant arrogés à titre de conquête le propriété
 “ de toutes les terres, il n’existe pour les habitans aucun droit
 “ de propriété foncière, ni même mobilière, ils ne possèdent
 “ qu’en usufruit. Si un père meurt, sa succession appartient
 “ au sultan, ou à son fermier, et les enfans ne recueillent l’hé-
 “ ritage qu’en payant un rachat toujours considerable. De-la
 “ pour la possession, en fonds de terre une insouciance funeste
 “ à l’agriculture. —

“ Lorsque le sultan Sélim eut conquis la Syrie, pour rendre
 “ plus aisée la perception du revenu, il établit un seul impôt
 “ territorial, qui est celui que l’on appelle *miri*. Il parut,
 “ malgré son caractère farouche, que ce sultan sentit l’import-
 “ ance de ménager le cultivateur ; car le *miri*, comparé à
 “ l’étendue des terrains, se trouve dans une proportion infini-
 “ ment modérée. Pour maintenir l’ordre dans la perception,
 “ Sélim fit dresser un *deflar* ou *registre*” (Tumar Jumma!)
 “ dans lequel le contingent de chaque village fut exprimé.
 “ Enfin il donna au *miri* un état invariable, et tel que l’on ne
 “ peut l’augmenter ni le diminuer. Modéré comme il était,
 “ il ne devait jamais obérer le peuple ; mais par les abus in-
 “ hérrens à la constitution, les pachas et leurs agens ont
 “ trouvé le secret de le rendre ruineux. N’osant violer la loi
 “ établie par le sultans sur l’invariabilité de l’impôt, ils ont

rate appetites are bound by no legal restraints,

“ introduit une foule des charges qui, sans en avoir le nom,
 “ en ont tous les effets. Ainsi étant les maîtres de la ma-
 “ jeure partie des terres, ils ne les concèdent qu’à des condi-
 “ tions onéreuses ; ils exigent la moitié et les deux tiers de la
 “ recolte ;” (Aumane system of India ! *Vide Vol. I. p. 409,*
 &c.) “ ils accaparent les semences et les béstiaux, en sorte que
 “ les cultivateurs sont forcés de les acheter au dessus de leur
 “ valeur. La recolte faite, ils chicanent sur les pertes, sur
 “ les pretendus vols ; et comme ils ont la force en main, ils
 “ enlèvent ce qu’ils veulent. Si l’année manque, ils n’en
 “ exigent pas moins leurs avances, et ils font vendre pour se
 “ rembourser tout ce qui possède le paysan. A ces vexations
 “ habituelles se joignent mille avanies accidentelles, tantôt
 “ l’on rançonne le village entier pour un delit vrai ou ima-
 “ ginaire ; tantôt on introduit une corvée d’un genre nouveau.
 “ L’on exige un present à l’avènement de chaque gouverneur ;
 “ l’on établit une contribution d’herbe pour ses chevaux,
 “ d’orge et de paille pour ses cavaliers : il faut en outre donner
 “ l’étape à tous les gens de guerre qui passent ou qui ap-
 “ porte des ordres. Les villages tremblent à chaque *laouend*
 “ qui parait ; c’est un vrai brigand sous le nom de soldat ; il
 “ arrive en conquérant en maître : *chiens, canaille, du pain,*
 “ *du café, du tabac ; je veux de l’orge, je veux de la viande.*
 “ S’il voit de la volaille, il la tue ; et lorsque il part, joignant
 “ l’insulte à la tyrannie, il demande ce que l’on appelle *keré-*
 “ *el-dars*, c’est à dire le *louage de sa dent molaire*. En vain
 “ les paysans crient à l’injustice : le sabre impose silence. La
 “ réclamation est lointain et difficile ; elle pourrait devenir
 “ dangereuse. Qu’arrive-t-il de toutes ses déprédations ? Les
 “ moins aisés du village se ruinent, ne peuvent plus payer le
 “ *miri*, deviennent à charge aux autres, ou fuient dans les

and where a common motive incites each in-

“ villes ; comme le miri est inaltérable, et doit toujours s’ac-
 “ quitter en entier, leur portion se reverse sur le reste des
 “ habitans. S’il arrive deux années de disette ou de seche-
 “ resse, le village entier est ruiné et se déserte ; •mais sa quo-
 “ tité se reporte sur les voisins.” (Ryotwary system. *Vide*
Vol. I. p. 482 to 486.) “ Le même marche a lieu pour le
 “ *karadj* des Chrétiens : la somme en ayant été fixée d’après
 “ un premier denombrement, il faut toujours qu’elle se re-
 “ trouve la même, quoique le nombre des têtes soit diminué.
 “ De-là il est arrivé que cette capitation a été portée de
 “ trois, de cinq, et de onze piastres où elle était d’abord, à
 “ trente-cinq et quarante ; ce qui obère absolument les con-
 “ tribuables, et les force de s’expatrier. C’est sur-tout dans
 “ les pays d’apanage (*Jaghire*), et dans ceux qui sont ouverts
 “ aux Arabes, que ces fardeaux sont écrasans. Dans les
 “ premiers, le titulaire (*Jaghiredar* or *Zemindar*) avide d’aug-
 “ menter son revenu, donne toute liberté à son fermier d’aug-
 “ menter les charges, et l’avidité de ces subalternes ne demeure
 “ pas en arrière : ce sont eux qui raffinant sur les moyens de
 “ pressurer, ont imaginé d’établir des droits sur les denrées du
 “ marché, sur les entrées, sur les transports, et de taxer
 “ jusqu’à la charge d’une âne.” (*Seyer duties! seyerjehat.*
Vide Vol. I. p. 314.) “ Entre autres abus il en est un que
 “ l’on doit regarder comme les plus grand fléau des cam-
 “ pagnes : c’est l’usure portée à l’excès le plus criant. Quand
 “ les paysans ont besoin d’avances pour acheter des semences,
 “ des bestiaux, &c. ils ne trouvent d’argent qu’en vendant en
 “ tout ou en partie leur récolte future au prix le plus vil.”
 (Another common Indian custom !) “ L’intérêt le plus mo-
 “ dique est de douze pour cent, le plus ordinaire est de vingt,
 “ et souvent il monte à trente.

“ Par toutes ces causes l’on conçoit combien la condition

dividually to countenance, or connive at, the

“ des paysans doit être misérable. Par-tout ils sont réduits au
 “ petit pain plat d’orge ou de doura, aux oignons, aux lentilles
 “ et à l’eau. Leurs organes se connoissent si peu en mets,
 “ qu’ils regardent de l’huile forte et de la graisse rance
 “ comme un manger délicieux. Dans les montagne, du Liban
 “ et de Nâblous, lorsqu’il a disette, ils recueillent les glands
 “ du chêne, et après les avoir fait bouillir ou cuir sous la
 “ cendre, ils les mangent.

“ Par une consequence naturelle de cette misère, l’art de
 “ la culture est dans un état déplorable ; faute d’aisance, le
 “ laboureur manque d’instrumens, ou n’en a que de mauvais ;
 “ la charrue n’est souvent qu’une branche d’une arbre coupée
 “ sous une bifurcation, et conduite sans roues. On laboure
 “ avec des ânes, des vaches, et rarement avec des bœufs.
 “ Dans les cantons ouvertes aux Arabes il faut semer, le fusil
 “ à la main ;” (formerly a very common practice, and still
 practised in some parts of India.) “ A peine le blé jaunit-il
 “ qu’on le coupe pour le cacher dans les *matmoures* ou ca-
 “ veaux souterrains. On en retire le moins qui l’on peut
 “ pour les semences, parceque l’on ne sème qu’autant qu’il
 “ faut pour vivre ; en un mot, l’on borne toute l’industrie à
 “ satisfaire les premiers besoins.”

The description given by Volney, of the courts of justice established in the Turkish provinces, corresponds exactly with that (*vide Vol. I. p. 247, 345, et supra, p. 8.*) of the Mogul courts in Hindostan ; where justice, or rather judicial decisions, were openly sold to the highest bidder. Where the judge had to pay for, or to purchase, his seat in the first instance, it was but a natural consequence that he should reimburse himself, by extortion from those on whom he, in his turn, had the power to prey. In each Pachalic there was also a

embezzlements of all * There are, however,

police establishment, at the head of which, but under the immediate orders of the Pacha, was an officer called by Volney *Ouali* (Wali), whose office and duties were, in like manner, precisely those of the Cutwal of Hindostan (*Vid. supra, p. 9.*) Of the *Ouali* Volney adds, as well to prove the nature and power of the *Ouali* (Cutwal) as the *modus operandi*, “ Comme
“ le pacha, il juge et condamne sans appel ; le coupable baisse
“ le cou ; le bourreau frappe ; la tête tombe, et l’on emporte
“ le corps dans un sac de cuir.”

The length of this note needs some apology. It is given in the hope that it may interest those who are desirous of minute information regarding the principles of Mussulman regime, whence our own financial systems in India are derived, and of observing the effects which such a system is calculated to produce on the condition, the habits, and the character of whatsoever people are doomed to endure it.

Our own police establishments are formed after the Mussulman model, we have Daroghas, Cutwals, Pykes, Peons, Fouj Sibbendy, village watchmen, &c., in all parts. These, however, being under the immediate orders and controul, as far as it can be exercised, of the European magistrate, we are not disgusted now-a-days with the horrors of “ bourreaux” and “ sacs de cuir,” but it will be seen presently, that oppressions and exactions are commonly practised by these officers, which it is impossible for an European collector or magistrate effectually to restrain.

* Besides the Abwabs mentioned in *Vol. I. p. 296.* there were other collections and appropriations made for the benefit of revenue servants under the denominations of Muscoorat, • Neakdary, Russoom, Saderward, Nancar, &c. According to the 5th Report the

natural, though no legal bounds to the rapacity of despots ; some prudence coupled with

Muscoorat — were customary allowances made to Zemindars from their collections at the close of their settlements, applied to a variety of petty disbursements, of which the Russoom, Zemindary, and Nancar lands are a part ; and including charitable donations originally unprovided for an item or head of revenue account of comparatively modern institution.

Neakdary — Perquisites or fees collected from the Ryots ; being shares of the produce of their lands appropriated to particular public officers in the village, or other persons.

Russoom — Customs, customary commissions, gratuities, fees, or perquisites. Shares of the crops, and ready money payments, received by public officers as perquisites attached to their situations ; called also Marah in the northern circars.

Saderward — Ready money collections made in each village from the Ryots for supplying the Cutchery, or office of public business, with lamps, oil, and stationery.

Nancar — Allowance or assignment for bread or subsistence. An assignment of land, or the government dues from a particular portion of land, calculated to yield 5 per cent. on the net receipts into the treasury, held by a Zemindar. The term is also applied to the official lands of the Canongoes and other revenue servants.

Ncem Tucky — A perquisite of half a rupee in the hundred on the Assul Jumma, an additional allowance to the Canon-goes ; being an item of the Muscoorat.

Mujerai — Acknowledgments made to the Zemindars in the vicinity of the hill people of Rajemahl to prevent robberies ; being an item of the Muscoorat.

inordinate desire ; and self-interest supplies a motive, which humanity would disregard,

Muddud Mash—Aid for subsistence ; an article in the rent roll called Tumar Jumma, consisting of allotments of lands as a subsistence to religious and learned men ; an item of the Muscoorat, and a branch of Ayma grants.

Ayma—Learned or religious men. A general designation of allowances to religious and other persons of the Mahomedan persuasion. An item in the Muscoorat.

Althamga—A royal grant of land in perpetuity, conferred on favoured individuals, exempting them from every kind of public incumbrance ; an heritable Jaghire in perpetuity.

Jaghire, or Jagheer—Literally, the place of taking ; an assignment of the government share of the produce of a portion of land to an individual. There were two kinds of Jaghires ; one called Jaghire-i-tan, bodily or personal Jaghire, being for the support of the person of the grantee, and Jaghire-i-sur, or Jaghire of the head,—an assignment for the support of any public establishment, particularly of a military nature. The military Jaghires, or assignments of lands for defraying military expences, were also called Asham Sepaye and Bukhsian Azam. Jaghires, being grants, or assumptions of land for particular purposes, were also variously denominated, such as Jaghire-Nowarah, a jaghire for the support of boats ; Jaghire-Tanekaut, jaghire for the support of tanahs (small garrisons), of Sibbendy, (irregular) troops employed for revenue and police purposes.

Deh Khurcha—Village expence ; contributions for defraying certain expences incurred in the villages for public purposes, a branch of the Neakdary.

Wazeat—Abatement—deductions which were allowed in the

to stop short of absolute destruction. In the case before us a surplus requiring to be an-

accounts of the Zemindary, &c. from the collections under the general heads of Mokharige and Muscoorat.

Bekee — Taxes professed to be levied for charitable purposes.

Bhery Bundy — Charges for repairing causeways and embankments, unprovided for otherwise ; an item of the Muscoorat.

Bundeh Wallah Bargah — An article of appropriations in the Tumar Jumma for personal and official charges to the Dewanny delegate.

Cawel Tallum — Village watching fees ; and Cawel Desha — district watching fees, or perquisites collected by Polygars on the plea of protecting the inhabitants and travellers, and making good property stolen.

Chakeran Lands — Lands allotted for the maintenance of public servants of all denominations, from the Zemindar down to those of the village establishment.

Cheraghy — Allowances for oil for the lamps burnt in the tombs of reputed saints ; an item under the Muscoorat.

Chowkedary — A tax for defraying the expence of watchmen ; much the same as the Cawel fees above mentioned.

Dehdary — Share of produce appropriated as perquisite to a Dehdar, *q. v. p. 11*. formerly an article of the Neakdary ; afterwards rendered an item of the Abwab.

Deo Khurch — Disbursements for religious purposes ; a Zemindary charge. Deawutter, Dewastaun and Devadayem are also grants of land for religious purposes.

Dufter Bund — Allowance to the office keepers of the Cutcheries ; an item of the Muscoorat.

Durbar Khurch — Court charges.

Dussera Khurch — Charges on account of the festival called Dussera.

usually reproduced, it became necessary that the powers of reproduction should not be al-

Dustoor — Customary fee or commission; an item of the Muscoorat.

Grama Khurch — Village charges or expenditure. Contributions levied in the villages of the Peninsula, professedly to defray the expences incurred by the Potails, or their servants, or by others, in travelling to the Cutchery of the district on the public affairs of the villages.

Haldaree — Tax on marriages; also a tax on ploughs.

Husbul Wosoollee Marocha — Estimated receipts on marriages, being a head of revenue introduced in Dinagapore in 1762.

Kehdah Afeel — Appropriations to defray the expence of catching elephants.

Khareje Jumma — Rents from Ryots enjoyed by particular individuals, under assignments or grants from government.

Khairaut — Allowances for occasional charity to the poor; an item of the Muscoorat.

Kuddum Russool — The footstep of the prophet; an allowance for preserving the impression of the foot of Mahommed, or the place of worship where it is preserved; an item of the Muscoorat.

Kussoor — An item of the Abwab, formerly levied as part of the village charges, to make up for the deficiency in the Rupees collected on account of revenue, which under the Mogul government were required to be paid into the treasury at an equal standard. Levies for this purpose were also known under the names of Kumi Sagon, Serf, and Batta.

Malikana — What relates or belongs to a person as master or head man. The Malikana of a Mocuddim, or head Ryot, is a share of each Ryot's produce received by him as a customary due, forming an article of the Neakdary, *q. v.*

together exhausted. To this extent the subordinate servants of the government had an

The term is also applicable to the Nancar, or allowance to village collectors, or Mocuddims of such villages as pay rents immediately to the Khalsa (exchequer), being an item of the Muscoorat.

Mangun—A tax or imposition formerly levied by officers stationed at Chokies, and Ghauts, (stations for guards, watchmen, and receivers of tolls or customs).

Mauuium—A grant of land, or assignment of the government share of the produce therefrom, to the revenue officers, and the public servants in the villages in the northern circars; called also in other parts Enaum.

Mehmany—Allowance for entertaining pilgrims, travellers, and strangers in general; an item of the Muscoorat.

Melwassy—Extra produce partly appropriated to the use of temples and other religious purposes.

Mokterfa—Taxes personal and professional on artificers, merchants, and others, also on houses, implements of agriculture, looms, &c.; a branch of the Seyer, *q. v.*

Mokharije—Expences, deductions, exclusions; territory dismembered and lost to the revenue, forming a head of deductions from the collections of the Zemindars in their accounts under the general term Wazcat, *q. v. supra.*

Mushroot Tanaajaut—Conditional appropriations of land in Jaghire for garrisons, and pensions.

Muzoonat—Allowed deductions applied to a variety of disbursements, such as the Nancar, or allowance to Zemindars.

Pabaky—Jaghire appropriations for sundry purposes.

Paikan—Allowance for encreased establishment of village guards, being an item of the Muscoorat.

interest in protecting the Ryots, who were the only producers ; and though the most

Pandary — Tax on shops of Mohammedan workmen, and retail merchants of that religion ; and on temporary stalls in fairs, held at places of Mussulman pilgrimage, or Hindoo worship ; a branch of the Sayer.

Parbunny — A tax levied by Zemindars and farmers on Ryots, at the festivals of new and full moon.

Patna Chitty and Bogamy — Tax on the heads or chiefs of the right and left hand casts, who each collected from their casts certain impositions.

Pecrootter — Allowances to Mussulman sages. A particular description of lands held rent free, or assignment of the government dues from particular lands enjoyed by such persons.

Rahberah — Road conductors or way guides. Allowance for an increased number of guides for the convenience and protection of merchants and travellers ; an item of the Muscoorat.

Rahdary — Keeping the roads. The term applied to duties means those collected at different stations in the interior of the country from passengers, and on account of grain and other necessities of life by the Zemindars and other officers of government ; a branch of the Sayer.

Russoom Zemindarry — Customary perquisites attached to the office of a Zemindar ; perquisites or shares of the Sayer duties allowed to the Zemindars, and deductions from the collections equal to about 5 per cent. on the net receipts enjoyed by the Zemindars, in addition to their Nancar or Saverum lands ; vide *Russoom*.

Saverum — An allotment of land, or of the government revenue thereof, held by Zemindars and other principal

atrocious and inconsiderate excesses were often committed by rulers and their armies,

revenue officers, rent free, as part of the emoluments of their offices; a term used in the Peninsula answering to *Nancar* in the Bengal provinces.

Sayer — Variable imposts distinct from land rent, or revenue, consisting of customs, tolls, licences, duties on merchandize, and other articles of personal moveable property, as well as mixed duties, and taxes on houses, shops, bazars, &c.

Shamul — Assessments added to the shist or standard rent in the Peninsula.

Tehsil Serinjammy — Contingent expences; being in the nature of *Abwab*, or cesses, or lands appropriated as a compensation for all charges of management, and included under the head of *Serinjammy*.

Yaft Kedmut — Attainment of office or employment; fees on the grant of a *Zemindarry*, or other office.

Bazee Zameen — Sundry or miscellaneous lands. The term is particularly applied to such lands as are exempt from payment of public revenue, or very lightly rated; not only such as are held by Brahmins, or appropriated to the support of places of worship, &c., but also to the lands held by the officers of government, such as *Zemindars*, *Canongoes*, *Putwaries*, &c.; vide also *Chakeran*.

Bedrh Cundy — A *Pergunnah* charge in *Sylhet* for providing mats, embaling silk, and packing treasure sent to *Dehly*.

Salianeh Rosinah — Collections for annual and daily charities.

Cum multis aliis, quæ nunc, &c.

In giving this list of imposts and appropriations (which is

yet these extravagant acts of devastation were of partial operation ; settled usage going

but a partial one, being capable of great enlargement), it is merely intended to shew how they naturally arise out of such a financial system, and state of society, as we found established in India. Land being the only source of taxation, was also the only fund out of which public officers could be remunerated for their services. The circumstance of each impost, and each appropriation, having a distinct name, commonly used in the public records, is of itself a proof of the specific existence of each, and of its being sanctioned, or at least, tolerated, by authority. Under so complete a tyranny as that of the Mussulmans in India, where discretion was ever the measure of exaction, and where the subordinate officers were allowed without let or hindrance, to plunder the Ryots, that the higher officers might again plunder them in turn, we may be sure that pleas were never wanting to enforce imposts held to be perquisites of office, and to collect more even than the just amount ; whilst in respect to authorized appropriations for public services, repairs, religious and charitable purposes, &c. the official records apprise us that the most iniquitous practices prevailed, both in the receipt and application of the monies, and in the fraudulent alienations of land, &c. Many of these practices, and some of the identical imposts, and appropriations, being continued to the present day, examples of them, and their effects, will be found in the following pages ; and if to these be added all that has been already said respecting Abwabs, Sayer collections, Mohterfa, &c., the utility of these lists, imperfect as they are, will then be found to consist in exhibiting the true features and characteristics of an Indian financial system, than which the most fertile invention could scarcely devise any thing better calculated to harass, to impoverish, and to demoralize the human race.

no further than to a division of the produce of the soil; in which no other rule prevailed than to leave to the Ryots what indispensable subsistence required, or their own means of concealment enabled them to retain, and to seize on every portion of the surplus which violence or artifice could appropriate.

SECTION II.

Canongoes and Putwaries no check on the misdeeds of their superiors in office. Prescribed duties of the principal Mogul Revenue Officers. Impracticability of the Mussulman system. Its effects on the state and condition of the People. Conduct of Mogul provincial Officers at direct variance with the tenor of their instructions.

It has often been contended that, as the accounts kept by Canongoes and Putwaries afforded the means of accurate knowledge, in respect to the produce, occupancy, and cultivation of lands, as well as for a just and equal assessment thereof — and that as these officers derived their appointments directly from the state, and were altogether independent of local governors and collectors — they were, as intended, a check on the exercise of arbitrary power, and so far a protection to the rights and property of the Ryots; but every thing connected with the history of Indian revenue proves this supposition to be unfounded. The system, being highly complicated, required

multifarious accounts. These were framed with a plausible appearance of accuracy ; but professing to reduce into fixed and permanent ratios that which was in its nature ever changing, the accounts of a district were one thing, whilst its cultivation and produce were quite another. The collections were accordingly made on purely conjectural estimates ; regulated by no other rule than the caprice, or the wants, of the receivers ; and nothing was certain in the system, but that the Ryots were left no more of the yieldings of their labor than enabled them to exist in the current year, and to reproduce funds for spoliation in the next. So far were the Ryots protected in their vocation ; but so far also were they robbed of all that could conduce to their improvement ; and where Canongoes and Putwaries did not actually participate in the general spoil, they were at best but passive observers of what they had no power to resist, and dared not to oppose by public remonstrance.

The accounts of so complicated a system of taxation as has been described in the preceding pages, including the formation, as well as the collection, of the Jumma, the opening which it affords to the practice of fraud and collusion, and the checks naturally devised to guard against imposition, would necessarily give rise not only to large establishments,

but also to voluminous records. The Putwary in his village, and the Canongoe in his circle, were required to keep registers and accounts of every occurrence, and of every change connected with the revenue, the occupation, cultivation, and produce of land; the names of every Ryot; the quantity, quality, and actual state of every field occupied by each, and of their various and ever-varying products. The quantities and particulars of waste as well as of cultivated lands; the boundaries of private tenures, of villages, and of districts; the number of fruit trees of different kinds distinguished into classes of young and not yet bearing, bearing, and past bearing; the number and condition of wells, tanks, and embankments; together with lists of houses, shops, working tools, machines or instruments, ploughs, oxen, buffaloes, in short the minutest particulars connected with land, or with taxation.

The Tepukchy was instructed to receive, collate, and arrange, the accounts of the Canongoes and other superior officers, so as to be enabled to satisfy the Aumil in every particular regarding the nature and capacity of the country; engagements made with the Ryots; boundaries of villages; waste and arable lands; names of the Munsif, (a civil

judge for suits not exceeding 50 Rupees), measurer, watchmen, Ryots, and Munduls of villages ; state of the harvest and crops ; the proportion of assessment on each Ryot, with the revenue of the whole village, to serve as a rule for the Aumil's collections ; the measurement of the lands, and the portion cultivated by each Ryot ; the accounts of demands, receipts, and balances of every village, furnishing the Aumil with a daily report of receipts and balances, so as to stimulate him to the performance of his duty. " He was also to keep " a journal of receipts and disbursements under every name and form to be daily authenticated by the seals and signatures of the " Aumil and treasurer ;" a register of the rates of exchange, and market prices of every article ; and, at the end of harvest, and of the year, certain closing accounts were to be delivered to the Aumil, and copies sent to the Presence, exhibiting the collections made, and balances due, from the country ; and the treasurer's receipts and disbursements, up to the same period.

To the Aumildar, who had the general controul and superintendence of all the officers and the accounts of his collectorship, was also enjoined the preparation and arrangement of sundry statements, as well for his own guidance, as for periodical reports to the Presence.

These reports were required to exhibit the information contained in the subordinate accounts regarding crops, measurement, occupancy, and produce of lands; estimates of revenue, with the amount realized, and balances remaining; the condition of the inhabitants; nature and particulars of their tenures, and of their cultivation; the market prices of goods; rent of houses and shops; state of artificers; and every other remarkable occurrence. If no Cutwal was appointed for the district, the Aumil was also to execute that office.

The object of thus enumerating the principal officers employed in the civil and revenue departments of the Mahomedan administration—the prescribed duties of each—and the accounts, or rather some only of the accounts, they were required to keep and furnish, together with as many of the taxes imposed on the Ryots as I could with precision state, is to shew the extremely complicated nature of an Indian system of land taxation; the utter impossibility of its being reduced to any certain rules, or equal rates of assessment; and I might add, the utter impossibility of the prescribed duties being either accurately or usefully performed. Some of the native accounts above adverted to were, however, prepared with so much skill, and so plausible an appearance of accuracy, as to induce a belief, in later times,

that, they were worthy of confidence; but wherever European collectors have taken the pains to compare them with the actual culture of any district, they have been found to be nothing better than mere fabrications.* The official records of former times also plainly indicate the doubtful and uncertain nature of the documents in question. In the Firman of instructions, for example, to an Aumildar, he is required “to make trial of different portions of land in order to gain a competent knowledge of its various properties; for there is a great difference (it is added) in the value of land; and some soils are only capable of being cultivated for particular purposes.” The manner of assessing and collecting a grain revenue is described to be after four ways, as follows:—“First, *Kunkoot*—*Kun*, in the Hindoo language, signifies grain, and the meaning of *Koot* is conjecture or estimate. The way is this. The land is measured with the crops standing, and which are estimated by inspection. Those who are conversant in the business say that the calculation can be made with the greatest exactness. *If any doubt arise, they weigh the produce of a given quantity of land consisting of equal proportions of good, middling,*

* *Vide Vol. I. p. 470 and 476.*

“ *and bad, and form a comparative estimate therefrom.*” Second, Buttiey, also called Bhawcley, is after the following manner. “ They reap the harvest and collecting the grain into barns there divide it according to agreement. *But both these methods are liable to imposition, if the crops are not carefully watched.* Third, Kheytt Buttiey, when they divide the field as soon as it is sown. Fourth, Lang Buttiey. They form the grain into heaps of which they make a division. Whenever it will not be oppressive to the subject, let the value of the grain be taken in ready money at the market price.”* It is not very likely, in this latter case, that the interest of the subject would be much consulted when the valuation of the grain, and market price, were to be settled by the Aumildar, and his officers.

The Aumildar was also enjoined not to “ entrust the principal men of the village with making the estimates of Kunkoot”—that is, not to employ the only persons who, if they chose, could do the business accurately. A proprietor, or farmer, of land, or both together, residing on the spot, and knowing from year to year the exact produce of every field occupied, may fix the value thereof with accuracy between each other, in reference

to rent, which the officers of government might find no great difficulty in afterwards ascertaining, and taking therefrom a fair proportion as revenue, or tax. But for public assessors to ascertain the real gross produce of every field of an extensive empire, not only without the aid, but in opposition to the will, because opposed to the interests, of the occupants of the soil, is a task of which some conception may be formed by those who will take the trouble to reflect on the following circumstances.

Let us suppose England to be divided into small tenures, not much bigger than Irish potatoe gardens;* the produce of the soil a great variety of articles, of which some one, or more, come to maturity in almost every month in the year; the present landlords forced to emigrate, or reduced to cultivate their own lands, or perhaps converted into Zemindars, with power to exact, fine, flog and imprison, *ad libitum*; the land tax fixed at one half the gross produce, to be ascertained by admeasurement of every acre, and by valuation, or by weighing the produce; or, in the event of difference of opinion with the cultivators of any village or district, by calling in the far-

* In the Ayeen Akbery these portions are stated at 30 to 90 Begahs of arable land, corresponding with 10 to 30 English acres.

mers of a neighbouring district to settle the dispute. From the oppressive, as well as vexatious, nature of this tax, let us also suppose that the fears and jealousies of government occasion the appointment of hosts of revenue servants, armed, and unarmed, some to make, others to check, the collections; that accounts, and check-accounts, be also multiplied to guard against imposition; and that servants, required for these various purposes, be authorized to collect additional imposts from the cultivators, or to have lands assigned to them, as a remuneration for their own services; and that under colour of these privileges and grants, excessive exactions are enforced, leaving but a bare subsistence to the farmers; that this system of taxation should be liable to increase with every increase of cultivation; that the defalcations of one farmer, or of one village, should be made good from the surplus produce of others; that the spirit of the people should be so broken by the rigors of despotic power, as to suffer the government with impunity to step forward, and declare itself sole proprietor of all the lands in the country; and that its avarice and cravings had so multiplied imposts as to inspire cultivators with the utmost alarm and dread, whenever changes, or reforms, were projected

in the revenue administration, lest (as was generally the case in India) further additions should be made to their almost intolerable burdens. Let the reader, I say, consider these things, and then ask himself, whether a government assessor, with every soul in the country thus opposed to his research, is likely to attain the requisite information for justly valuing every acre of cultivated land, including every variety of soil, and of product ; or, if it could be justly valued, whether the collectors of such a government were likely to be guided by any better rule than to extract, from the contributors, all that could with safety be drawn into their own, and the public, purse.

This, however, is but a sketch of that state society in Hindostan ; of which demoralization was the inevitable result. Where laws, regulations, and even official instructions, are but a name ; where power is really uncontrouled, and usage affords abundant openings for its arbitrary exercise, the holders of power, with their numerous hangers-on, will be arrayed on one side as instruments of oppression, to which the Ryots, or the mass of the people, have nought to oppose but evasion, falsehood, artifice, and cunning. Some of the worst passions of the human mind, thus called into constant action, become settled habits ; and

every rising generation being of necessity, and from infancy, driven to the practice of these habits, a character of slavish submission, and moral degradation, is generated, which it is most illiberal, and unjust, to impute to this oppressed people, as inherent and incorrigible depravity.

At the bottom of all this evil is the revenue or financial system of India, either introduced by the Mussulmans, or continued from an earlier age, and handed down without variation in all its main features and principles to the present hour. It is this system which, to my mind at least, affords a clue to the mazes of Asiatic despotisms; to the chief distinctions of character observable between the inhabitants of the eastern, and western, world; and a full answer to the fallacious reasoning founded on the supposed immutability and castes of native Indians.

Writers on India, and even the local official servants of the Company, have always been too much given to cling to native records, and the institutions of older times, having a plausible appearance of method and order, as if they were systems which had been in regular and established operation, enforced or controuled by fixed laws or regulations, not to be evaded with impunity; and apparently for-

getting altogether that the executive government, like all Asiatic monarchies, was one of pure arbitrary will, and discretion, from the highest to the lowest holders of power. Existing authorities consequently concur in representing the financial department of these administrations as one uniform scene of indiscriminate rapine; whilst the pretended registers of the assessment, cultivation, and produce of land, were mere speculations, in point of accuracy or utility not worth one straw, from the famed Tumar Jumma of Tudor Mull, down, I verily believe, to the celebrated Ryotwary assessment of Sir Thomas Munro.* The Ayceen Akbery itself affords

* The reader should always keep in mind in respect to these highly lauded registers, that the Tumar Jumma is expressly termed by the learned Abul Fazel, "*an estimate of the produce of lands,*" taken from such accounts as the provincial Canongoes thought proper to produce; that in another place it is said to have been settled "on the representations of men of integrity," and at a time when the "harvests were uncommonly plentiful;" and in another, that he describes the mode of assessing lands which he terms "*Kunkoo*" literally meaning a *conjectural estimate of grain*. In *Vol. I, page 465*, we have Sir Thomas Munro's own acknowledgment, that after much labour and expence, and sending forth one assessor after another to correct errors and detect frauds, he was at length reduced to the necessity of trusting, like Tudor Mull, to the estimates of "men of integrity," and fixing a sum of revenue in the gross on each village for which the whole community were made responsible.

decisive evidence of the little regard shewn to what were called, or considered, fixed legal rates of land-taxation. It says, “ In former times the monarchs of Hindostan exacted the *sixth* of the produce of the lands ; in the Turkish empire the husbandman paid the *fifth* ; in Turan the *sixth* ; in Iran the *tenth* ; but at the same time there was levied a general poll tax, which was called *Kheraj*.”* Of the aggregate amount of this exaction we may form a tolerable conjecture, by its being explained to us, in the following page, that, “ in Iran and Turan, government has taken one tenth of the produce of the soil, but at the same time the husbandman is loaded with a number of other taxes, which altogether exceed half the produce.”† In page 310, Abul Fazel gives an account of various vexatious taxes, equal, he says, in aggregate amount to what his translator calls the quit rent (by which I presume he means

* In Turkey the capitation tax, according to Volney, is also called Karadj. In Indian writers generally the term Kheraj is used to express the Mussulman land-tax imposed on vanquished Pagans — *Vide Vol. I. p. 319* ; or in other words, the ransom which Mussulman conquerors exacted from unbelievers for the great mercy of not slaughtering them, and enslaving their wives and children.

† Vol. I. Part 3. p. 299, 300

the Jumna) of Hindostan ; for after Akbar's reign, we know, that in Bengal, the Abwabs alone nearly doubled, and in Cossim Ali's time more than doubled, the original Jumma.

But, it will be said, these vexatious taxes were all remitted by the "boundless bounty" of the emperor Akbar. I have already expressed my doubt of the actual remission. The Firmans of the Moghul emperors abound with excellent instructions, sound advice, the best moral precepts, and expressions of anxious solicitude for the happiness and prosperity of the Ryots. These Firmins have excited not only the admiration, but the belief of many writers, that they were the practical principles of a Mogul administration. In practice, however, what were they but a dead letter ?* At all events, to whatever extent the "boundless bounty" of Akbar may, for a time, have been exercised, we know, from

* It is curious to compare the "Instructions for the Sepah-sillar or Viceroy" in the Aycen Akbery, with the actual conduct of these officers in their respective governments. The one is a grave exhortation to all that is good and righteous, whilst the other, as far at least as it can be traced in history, is conspicuous for the utter disregard of every thing but the gratification of his own will. We may hence learn to estimate the value of imperial rescripts, in governments like those of Asia, when such rescripts are at variance with the objects or interests of the persons to whose execution they are entrusted.

indisputable evidence, that in the provinces generally, “ imitation, (as Mr. Orme expresses himself on this head) had conveyed the unhappy system of oppression, which prevails in the government of Hindostan, throughout all ranks of the people, from the highest even to the lowest subject of the empire. Every head of a village calls his habitation the Durbar, and plunders of their meal and roots the wretches of his precinct; from him the Zemindar extorts the small pittance of silver which his penurious tyranny has scraped together; the Phouzdar seizes upon the greatest share of the Zemindar’s collections, and then secures the favor of his Nabob by voluntary contributions, which leave him not possessed of the half of his rapines and exactions; the Nabob fixes his rapacious eye on every portion of wealth which appears in his province, and never fails to carry off part of it; by large deductions from these acquisitions he purchases security from his superiors, or maintains it against them at the expence of a war. Subject to such oppressions, property in Hindostan is seldom seen to descend to the third generation.”

These systematic exactions were much encouraged and confirmed by the universal practice of public officers, including the revenue

servants, being remunerated, the higher officers by splendid local grants, the others by deductions, from the gross Jumma, or by local assignments of land, or by making collections on their own account in the shape of land rent, or of fees, or Sayer duties, or other imposts. It was in fact, in a government so thoroughly discretionary as that of Hindostan, an authority to all placemen to help themselves; whence every local expence, whether of a public or private nature, was first defrayed out of the only existing source of supply, the gross produce of land; the net surplus alone being remitted to the imperial treasury, whence no portion again issued but to gratify the pleasures, to satiate the ambition, or to wreak the merciless vengeance, of its sovereign lord.

But the hands which could habitually indulge in this description of plunder were not likely to be scrupulous wherever wealth, in any other shape, presented itself to their grasp. In India, bankers, or money dealers, called Shroffs, have always been noted for accumulating, like the Rothschilds of the West, large gains from dealing in the precious metals, and bills of exchange; and, like the Jews formerly in Europe, were equally marked as men whom it was no crime to plunder,

and maltreat at pleasure. To those who have been long resident in India, numerous atrocities of this description will be well known ; but I cannot avoid transcribing one of those occurrences, noticed by Orme, because it is so truly descriptive of those habits, and that state of society, which I am here endeavouring to account for. Mr. Orme's narrative is as follows : “ As soon as a man
 “ becomes conspicuous for his possessions,
 “ and begins to despise keeping measures
 “ with the Durbar, by neglecting to supply
 “ the voluntary contributions which are ex-
 “ pected from him ; instead of giving him
 “ poison, which would not answer the end
 “ proposed, *as his treasures are buried*, he is
 “ beset with spies, *commonly of his own domes-*
 “ *tics*, who report even to the minutest of his
 “ actions ; offers from discontented parties
 “ are made to him, a commerce with the ene-
 “ mies of the province is proposed ; if he avoids
 “ these snares, a profitable post in the go-
 “ vernment is tendered to him, which if he
 “ accepts, his ruin is at hand, as the slightest
 “ of the villanies practised in every branch of
 “ it becomes foundation sufficient to render
 “ him a public criminal ; should he have es-
 “ caped this too, it remains that some more
 “ glaring and desperate measure of iniquitous
 “ justice hurry him to destruction. *Let the*

*“ following example suggest and supply the
 “ many which might be produced.*

“ A very wealthy house of Gentoo bankers
 “ were admonished at Muxadavad of the Na-
 “ bob’s necessities for money ; and, better
 “ versed in the art of amassing than in the
 “ methods necessary to preserve their riches,
 “ they presented a sum much more agreeable
 “ to their own avarice than to the expectations
 “ of their persecutors. None of the usual
 “ snares were likely to succeed with people
 “ of their excessive caution. One of the
 “ dead bodies which are continually floating
 “ upon the river Ganges happened to be
 “ thrown ashore under the walls of their dwell-
 “ ling house ; which was immediately sur-
 “ rounded by the officers of the civil magis-
 “ trate, and nothing heard but execrations
 “ against these devoted criminals, who were
 “ proclaimed the murderers of a son of Ma-
 “ homed. The chief of the house was hurried
 “ away to a dungeon prepared for his recep-
 “ tion, where, after having thrice endured the
 “ scourge, he compromised the price of his
 “ liberty, and the remission of his pretended
 “ crime, for the sum of 50,090 rupees (6250*l.*)
 “ This man I personally knew.

“ Warned by such examples, the more in-
 “ telligent man of condition sees at once the

“ necessity of ingratiating himself into the
 “ favor of his prince by making acceptable
 “ offerings proportioned to his fortune. It
 “ would not be credited that the family of
 “ Futtichund, shortly after his death, gave in
 “ one present, to the Nabob of Bengal, the
 “ sum of £300,000 sterling, were it not known
 “ that the man, by having managed the mint
 “ and treasury of the province for forty years
 “ successively, was become the richest private
 “ subject in the empire.*

Here then is a state of society arising out
 of the financial system of the Mahomedans,
 which we have condescended to make the
 basis of our own. Like *the root that beareth
 gall and wormwood*, it has fixed a curse on
 India, bitter as the lot of Israel, for adopt-
 ing the abominations of Canaan. We here,
 in fact, behold a system which, from its
 enormous exactions on public and private
 account, confirmed and perpetuated univer-
 sal poverty ; with poverty, ignorance ; and
 on these two corner-stones of despotic power,
 fixing the foundations of its strength and
 permanency — a system radically destructive
 of property in land, and absorbing every

* Orme on the Government and People of Hindostan,
 p. 448.

other proprietary right, save what the possessor could secretly conceal, or openly defend by the edge of his sword—a system which called into activity the meanest and basest passions for defence against oppression and wrong—a system in which violence and extortion on the one hand, begat slavish submission and hate on the other. Every new expedient became the parent of fresh evasion ; till fraud, collusion, secret alienations, disguise, dissimulation, intrigue, bribery, trickeries and treacheries of all sorts, grew up into characteristic habits among the people ; every man distrusting his neighbour ; looking only to self-preservation, and careless about political changes—a state, in short, in which power had so completely debased the minds of its victims, that the wonder is, not that many virtues should have fled the earth, in this iron age of oppression and misery ; but that any should have lingered behind, to relieve the dark shades of human infirmity.

SECTION III.

State of Bengal after transfer of the Dewanny to the Company in 1765.

Description thereof by Governor Verelst in 1769. Continued to a late period under the British Government, and proved by facts quoted from Official Records.

AFTER the transfer of the Dewanny lands in Bengal in 1765 to the Company, and in every province since acquired by the British Government by cession, or conquest, the state of society has uniformly exhibited the same examples of moral degradation. Various proofs are given in the preceding volume. The best histories of India,* the Fifth Report with its voluminous appendix, and numerous printed official documents, abound with others; all confirming the important fact — that the revenue system *now* in force, coupled with the exactions of the revenue servants, had every where sealed the poverty of the inhabitants; and that in addition to poverty, the same ignorance, the same fears, suspicions, and vices that are the common features of every other Asiatic state, were universally manifest.

In an able document, entitled “Instructions to Supravisors in 1769,” by Mr. Verelst, or four years subsequent to the acquisition of the

* Vide Orme, Mill, Wilks.

Dewanny, it is clearly enough attested that the Revenue System, by multiplying superfluous agents and inferior collectors, had been, as it ever will be, a source of extortion not to be controuled. We read, in this and other documents, of fraudulent alienations of land by the revenue servants on various pleas; some for their own use, and some on pretence of charitable or religious donations; of abuses in the bestowal and sale of Talooks, some to reward the creatures of government, others obtained by unwarrantable means, and held with extraordinary immunities; of the similar appropriation of Jaghires, and waste lands, and embezzling the produce of Khomar lands,* of “grievances equal to the former in the variety of demands which the collector, from the Aumil and Zemindar to the lowest Pyke, imposes without any colour of license from government, some of which have been so long exacted and paid, that Ryots begin to imagine the oppression is sanctified by government, and is not the mere fraud of the collectors;” of illegal fees and duties col-

* *Khomar* — Lands, the Ryots of which do not pay a money rent, but divide the produce at certain rates of shares with the Zemindar; contradistinguished from Ryotty lands, in which the government duties are paid in money.

lected at Gauts, and public markets, by police officers appointed to protect the inhabitants, but more frequently the instruments of their oppression ; of provincial and village accounts “merely adapted to the private interests of the Zemindars, filled with representations designedly disguised, to square with their offers, and accounts with government, *loosely, unfaithfully, and partially formed in every instance.*” Of Zemindars in particular it is added that, under the name of Nankar* allowance, they misapplied lands : one spot to yield rice, another pasture ; particular tanks to afford fish and water ; and in like manner distinct spots for every distinct article of consumption ; thus “laying hands on the revenue of government, and on the property of the Ryots, where he (the Zemindar) had no foundation of right nor colour of pretence ;” that they exacted from the inhabitants Nuzzeranas, or presents in provision and money, whenever they, or their attendants, moved through the district ; that they levied fines at will ; raised large sums from duties collected in the public markets ;

* *Nankar* — An assignment of lands or of the government dues equal to 5 per cent. of the net revenue, for the support of Zemindars and other public servants.

assumed authority over the Ryots to require their labour gratuitously; that they claimed illegal perquisites under the denomination of Batta, or discount on Rupees, at an arbitrary valuation, besides usurious interest, and fraudulent valuations arbitrarily imposed on products received from Ryots in return for Tuckary* advances. Governor Verelst's account indeed, in 1769, of the conduct of Zemindars is one which subsequent investigations have fully confirmed. He adds "the truth cannot be doubted that the poor and industrious tenant is taxed by the Zemindar or collector for every extravagance that avarice, and ambition, pride, vanity, or intemperance may lead him into, over and above what is generally deemed the established rent of his lands. If he is to be married, a child born, honors conferred, luxury indulged; Nuzzeranas (presents) or fines, exacted, even for his own misconduct; all must be paid by the Ryot; and what heightens the distressful scene, the more opulent, who can better obtain redress for imposition, escape, while the weaker are obliged to submit."

* *Tuckary* — Money advanced on loan to Ryots to enable them to cultivate their lands.

Numerous official documents might be quoted, or referred to, to prove that the same, or nearly the same state of society has continued to exist in all the countries which have passed under the Company's dominion. It could not, indeed, be expected that the character, and habits, of a people would immediately change with a change of masters. Poor, ignorant, and oppressed, an Indian drags on the load of life in the same chains under each successive ruler; and the system which mainly contributed to seal his degradation, being perpetuated in its principal features by the British government to the present hour, how can we expect the native population to be different now from what we then found them? It is not pretended to assert that, under the British government in India, the inhabitants have been wantonly hunted down like wild beasts; or that rich Shroffs have been imprisoned, tortured, and fleeced at the will of a viceroy; or that decisions have been openly sold to the highest bidder in our Courts of Justice; that many vexatious duties have not been abolished, and commerce more generally encouraged; or that persons and property are not more respected, and secure, under our, than under either a Mussulman, or a Hindoo administration; as far, at least, as the authority, and the laws,

of our government, can be effectually put in force. All this, and more, would be readily conceded in favour of the Company's government in India; but when the character of a people has been formed, and fixed, by many centuries of dire oppression, the removal of evils of limited influence, or partial occurrence, will do little or nothing to call forth confidence or hope—to cheer the mind with the prospect of improvement,—if the more important evils of universal and unceasing operation are continued. The advocates of the existing system must, therefore, admit that our government is arbitrary in theory, and in practice; that in the most important of all its arrangements, the revenue, it has followed, and perpetuated, the Mus-sulman system; and though the execution of this system has often been entrusted to some of the ablest and most humane of men, yet to mitigate its severity, in any great degree, has been beyond their power. The expences of government required all the revenue that could be collected for its support. To realize a land revenue of this amount, large establishments of native officers were also indispensable; and with a handful of European collectors, and judges, thinly scattered among 80 or 100 millions of people, it is too

much to expect that any controul they could exercise would be effectual either to improve or to restrain settled habits, which had for ages struck their debasing roots into all the ordinary occurrences of Indian life.

It has been sometimes alleged that much of the corrupt dealing and embezzlements of former times, by native officers in power, has been progressively checked by the extreme vigilance, and inviolable integrity, of many of their European superiors. That this has been the case in some instances may be conceded; but it must on the other hand be admitted, that, to the same extent as illegal private exactions have been repressed, the public revenue has been proportionally encreased. That perpetual aspiration after more, which the system itself has a strong tendency to inspire, is abundantly manifested in the conduct of our collectors, and in the immense additions every where made, from year to year, to the Jumma of newly acquired provinces, over and above the declared official amount at the period of their acquisition.* On this head authentic records attest that not only have illegal imposts and exactions been incorporated with the land rent, but that the assessment has been sometimes raised so high as to absorb also the trifling rents re-

* *Vide Vol. I. p. 401.*

maining to landholders, “no intermediate person being acknowledged between the state and the actual cultivator;” that the demand of revenue was thus greater in the aggregate than could be realized; and that attempting (as in Ryotwary settlements) to fix “a moderate equal assessment on each field, we imposed a most unequal and heavy *over-assessment* on the country.”* In this way the sum total of demand on the unhappy Ryot remains unabated; his condition, it is much to be feared, is in no respect amended; and we may thus rationally account for that immutable pauperism and ignorance which the interior of India uniformly displays.

It would be an easy matter to fill a volume with proofs, from existing official records, of the lamentable state and condition of Indian Ryots, as arising out of the oppressiveness of our financial system. In addition to what has been said on this subject in *Chapter I.*, I shall here add a few examples of cases which occurred long after the country had become subject to the British government, that the reader may see what the effect has been, after our own administration had been in full force, for a series of years.

* Madras Rev. Board, 5th Jan. 1818. Vol. i. of Rev. Sel. p. 940 and 948.

In 1809, abuses had reached so great a height, that the Bengal government were anxious to adopt effectual measures to protect the Ryots against undue exactions by Zemindars, and others; and with this view called on the different judges and magistrates to report on the state of their respective circles; and to suggest the mode by which, in their opinion, this object might be best effected. In a report by the judge of circuit of Moorshedabad, dated 1st August, 1810, it is stated; “The Zemindar, his farmers, and Amlah (officers of government collectively) of all denominations, abuse the powers with which they are vested to exact from the Ryot to the utmost extent of his ability. He is thus often deprived of the means of complaint; and this system, carried on from year to year, reduces the Ryot to the extreme of poverty; frequently the cause of the commission of crimes; *not, it is to be hoped, from any inherent depravity, but driven thereto by necessity*, to obtain a precarious and insecure subsistence.”

The magistrate of Dinagepore, under date 24th July, 1810, on the same subject, says—“Three causes are pretty apparent to account for this poverty. 1st. The general character of the Zemindars. They are low people; low in their original charac-

“ ter, and not since raised by their fortunes.
 “ Heretofore dependents on the Raja of the
 “ district, and who occasioned the dismem-
 “ berment of his estates by their plunder ; and
 “ which again at the public sales enabled them
 “ to concentrate in their own persons the
 “ estates of their master. 2d. Another class
 “ of the Zemindars are men of great wealth,
 “ whose sole object is to add daily to their
 “ store. They are resident in other parts,
 “ &c., draw from hence their lacs annually,
 “ to the impoverishment of the district. 3d.
 “ What is the natural effect of the other two ?
 “ A general system of rack-renting, hard-
 “ heartedness, and exactions, through far-
 “ mers, under-farmers, Kutkeenadars, (under-
 “ tenants) and the whole host of Zemin-
 “ dary Amlah. Even this rack-renting is un-
 “ fairly managed. We have no regular leases
 “ executed between the Zemindar and his te-
 “ nants. We do not find a mutual consent,
 “ and unrestrained negociation, in their bar-
 “ gains. Nothing like it ; but instead, we
 “ hear of nothing but arbitrary demands en-
 “ forced by stocks, duress of sorts, and bat-
 “ tery of their persons.

“ There is also an intermediate class, the
 “ money man, in every village, who first re-
 “ lieves, then aggravates the evil by his own

“ usurious practices, and enforces them by
 “ like means.

“ The general consequence is general po-
 “ verty.”*

In like manner, the collector of Rajeshahye, in August 1811, reports as follows on the same subject. “ The apprehensions of government
 “ that considerable abuses and oppressions are
 “ committed by those vested with the power of
 “ distraint are, I am convinced, but too well
 “ founded ; but I firmly believe that govern-
 “ ment is not aware of one half of the abuses
 “ committed in consequence of this power
 “ being vested in the Zemindars. I therefore
 “ consider it my duty to point out some of the
 “ evils which have most forcibly struck me.
 “ In the first place, should a Ryot incur the
 “ displeasure of his Zemindar, certain ruin
 “ stares him in the face. A false demand
 “ is immediately made for rent, and followed
 “ up by the distraint of his property, and an
 “ application to the proper officer for its sale,
 “ and as the Regulations now stand, neither
 “ the commissioners can decline selling the
 “ property distrained, nor the judge himself
 “ afford any redress to the poor Ryot. He
 “ probably puts himself to the expence of a

* Beng. Rev. Sel. vol. i. p. 211.

“ journey to the Court, presents a petition
 “ on stamped paper, stating his grievances,
 “ and the judge tells him, he must pay the
 “ demand, whatever it may be, and institute
 “ a suit against his Zemindar. The Ryot
 “ represents that he is ruined, and cannot pay
 “ the institution fee. He is directed to pro-
 “ secute as a pauper ; but in the mean time
 “ how is he to live ? and what is to become
 “ of his family ? probably turned out of their
 “ houses, destitute of every comfort and com-
 “ pelled to resort to illegal practices to save
 “ themselves from starvation : or possibly
 “ the complainant is assaulted and severely
 “ beaten by the Zemindar’s orders for his
 “ presumption in having applied to the Court
 “ for redress. Indeed I might venture to as-
 “ sert, that such complainants run a great
 “ risk of being disposed of in a manner that
 “ may quiet the apprehensions of the Zemin-
 “ dar of his being further molested by a dis-
 “ satisfied Ryot ; and in such cases the hold
 “ the Zemindar has over his dependants de-
 “ ters them from deposing a syllable before
 “ the magistrate contrary to his wishes.”*

• * The collector of Nuddea also observes on this part of the
 subject : “ The fears of these poor people are not without
 “ foundation ; for it is a lamentable but well known fact, that

Numerous official reports from other quarters describe the people in the same unnatural and disorganized state. The Zemindar's only security for the possession of his estate being the punctual discharge of the government revenue, to screw this out of the wretched cultivators is his first consideration. With his miserable pittance of one eleventh (*Vol. I. p. 360.*) he, the under tenants, farmers, Ryots, and all the Amlah* together, are then left to scramble and fight for the remainder of the produce. At this time, it must be remarked, enactments were in force to regulate the process of distraining for rent, and consequently *intended* to protect Ryots against oppression. We have here therefore another signal example of the inefficacy of laws and regulations, when opposed to the operation of so destructive and uncontrollable a system. We see how feeble is the effect of a mere written law, to correct inveterate abuses, which that system irresistibly engenders — to enforce a compliance with speculative rules which the leading interests of society,

“ a great number of Ryots who have presumed to contest unjust demands have been made victims of the farmer's revenge.
 “ *Innumerable instances could be quoted in support of this*
 “ *assertion.*” — Beng. Rev. Sel. vol. i. p. 236 & 239.

* Government officers collectively.

so far from seconding, are strongly excited to evade.

It has been already remarked, *Vol. I. p. 378*, that the provisions contained in these enactments, and intended for the protection of Ryots, were found in practice to be illusory and ineffectual; wherefore Reg. V. of 1812, was passed to modify the objectionable or defective parts. The modifications, however, were little more than a change in the forms of proceeding. One or two objectionable provisions were rescinded. But the Regulation itself seems to have afforded as little security to property, and private rights, as any of its predecessors, as may be inferred from the following further instance referred to in a letter from the Court of Directors to the Bengal Government, of 11th June 1823, or eleven years after the aforesaid regulation was passed. The case is the more remarkable, from having occurred in the 24 Pergunnahs, i. e. the district immediately surrounding Calcutta, the seat of the Government General, and under the eye, as it were, of the Revenue Board.

A Talookdār of the twenty-four Purgunnahs had encouraged some Ryots, under the sanction of Pottahs, to extend their cultivation, but at their own cost, to adjoining

waste lands. These wastes had lately attracted the notice of the higher authorities, on the supposition of their being fairly liable to assessment, from not having been included in the Permanent Settlement in 1793. The Ryots, on this occasion, were desirous of being relieved from dependance on an oppressive Talookdar, as far at least as regarded these lands which they had cultivated at their own expence; and accordingly petitioned the Revenue Board in the following terms.

“ The petition of certain persons, Ryots of
 “ Kismut Kistnaranissore, dated 5th January,
 “ 1818, sets forth as follows : That should your
 “ Honourable Board be pleased to order a settlement to be made (viz. for the lands which
 “ they possessed) with Ramulta Mitre (the
 “ Talookdar), it will be the total ruin of your
 “ petitioners, and the loss of their exertions
 “ and money advanced amounting to nearly
 “ 85,000 rupees (10,625*l.*); as the oppression
 “ and injustice of Ramulta Mitre, is such, as
 “ to prevent the possibility of your petitioners
 “ remaining on the lands, they have been repeatedly obliged to complain against his
 “ acts of oppression and injustice. That the
 “ said Ramulta Mitre has done every thing
 “ in his power to dispossess your petitioners;
 “ in order to get other Ryots at an increased

“ Jumma. That he has forced us to advance
 “ him nearly one year’s revenue. That in
 “ the event of our refusal of any terms he
 “ may propose, he has us brought before him,
 “ ties our hands together, flogs us, imprisons
 “ us in his own house, until we come to such
 “ terms as he may think proper to dic-
 “ tate. That in one instance, a complaint
 “ having been lodged against him for such
 “ like tyranny and oppression before the late
 “ Mr. Elliot, the magistrate, he was sentenced
 “ by that gentleman to be imprisoned six
 “ months in the Foujdary jail.”

When this petition attracted the notice of the Court of Directors, they remarked upon it, with their usual anxiety for the welfare of the Ryots, that “ their allegations of ill
 “ usage at the hands of the Talookdars were
 “ serious in the highest degree, and indicated
 “ a want of protection for this class of the
 “ people which it is distressing to believe,
 “ and for which a remedy should be unceas-
 “ ingly sought.”*

There is also a letter on record from the collector of Allahabad, of 14th May, 1818, in which the operation of Reg. V. of 1812, is particularly noticed. It hence appears that

the modifications, so far from being of avail in protecting Ryots, were made the groundwork of collusive proceedings by Ryots against Zemindars in some instances; and in others, of Ryots and Zemindars united against Government, the purchasers of estates at public sales, and the real proprietors of estates seeking to obtain possession.*

In another letter, from the judge and magistrate of Rungpore of 2d April, 1815, it is further stated, that the Zemindars of that, and the neighbouring district of Dinagepore, perverted the provisions of sec. 3. of Reg. V. 1812, to entail in perpetuity on their wretched victims, the peasantry, a long series of exactions, of which the following are but a few specimens. In discussions of this magnitude, authenticated facts are more important than even the responsible assertions of official authorities.

One of them, Rajchunder Chowdry, bought a house at Rungpore, which cost 4100 Rupees
 “ (512*l.*) It is a notorious fact that Rajchunder
 “ Chowdry collected from the Ryots of his es-
 “ tate, to defray this expence, no less a sum than
 “ 11,000 Rupees (1375*l.*), under the bold item
 “ of Delan Khurchu (house or hall money).”

The same Zemindar expended 1200 Ru-

* Beng. Rev. Sel. vol. iii. p. 176.

pees (150*l.*) on the ceremonies attending the birth of his grandson, and collected from his Ryots 5000 Rupees (625*l.*) on this account.

Another Zemindar, Sudasheb Raee, had his house burnt down. He imposed an addition on the rent-roll of his estate to defray the expence of rebuilding it; but having once “established the exaction, it outlived the “cause, and became a permanent addition “to the former rent, under the title of Ghur “Bunacee (house building).”

Sudasheb Raee celebrated a festival, which lasted three months, and cost him 20,000 Rupees (2500*l.*); all of which fell on the tenantry of his estate.

Jyram Baboo, a man of boundless extravagance, used to visit in great pomp, annually, the villages of his estate, levying contributions as he went along, under the name of Mangun, or Bhukha, which literally means begging. “I am unprepared (says the judge) “to state the amount of the collections thus “made; the mode in which they are levied “bids defiance to all enquiry. Lest, however, it should be thought that this practice “is confined to one instance, I beg to observe “that, this is the most general of all the “modes of illegal exactions practised in “Rungpore.”

Moonshee Himayutoollah, once Serishtadar of the judge's court, and late Dewan of the collectorship, bought a very large estate in Dinagepore. In a visit of ceremony to his new tenants, he collected from them, in Mangun contributions, a full moiety of the purchase money.

Himayutoollah had also occasion to buy an elephant, and exacted the cost, 500 Rupees (62*l.* 10*s.*) from his Ryots, it being "as essential to their respectability, as his own, that he should no longer mount the back of so mean a quadruped as a horse."

Another Zemindar, Raee Danishmund Nitecanund, has very extensive estates in Rungpore, Dinagepore, and Moorshedabad. On his Rungpore estate alone he pays a revenue to Government of 69,742 Rupees (8742*l.*), and collects a cess on his tenants of one Anna in the Rupee, or 4358 Rupees (544*l.*) per annum to defray the expence of daily offerings to his idol, or household god, Bunwarree.

A farmer of the extensive Purgunnah of Dimla, named Byrub, was desirous of encreasing the revenues of the Purgunnah. For this purpose he carried into the interior, 1000 Rupees worth of broad cloth, and bribing therewith, and with the promise of personal immunities, the Mundals, or head men of the

villages, he gained over these traitors, who, instead of being the protectors of the inferior inhabitants, now consigned them without remorse to the exaction and plunder of the farmer.

“ The above (adds the judge) are but a
 “ few of the many practical proofs which may
 “ be adduced in support of what I have ad-
 “ vanced relative to the state of the Ryot in
 “ Rungpore.” Every extra expence, and
 every religious or superstitious ceremony is
 paid for by the defenceless Ryot. “ Not a
 “ child can be born, not a head religiously
 “ shaved, not a son married, not a daughter
 “ given in marriage, not even one of the ty-
 “ rannical fraternity dies, without an imme-
 “ diate visitation of calamity upon the Ryot.
 “ Whether the occasion be joyful or sad, in
 “ its effects, it is, to the cultivator, alike
 “ mournful and calamitous.”

The following further remarks by the Judge and Magistrate, in the same report, are very important, as regards the general effects of our revenue administration abroad :

“ What I here bring to notice, may possi-
 “ bly prove that, in Rungpore, it is not the
 “ prevalence of gang robbery, and other pub-
 “ lic crimes, which calls the most loudly for
 “ a remedy. These are but the ramifications

“ of an evil, whose root has long flourished
 “ in secret. The arbitrary oppressions under
 “ which the cultivator of the soil groans, has
 “ at length attained a height so alarming, as
 “ to have become by far the most extensively
 “ injurious of all the evils under which that
 “ district labours; and until by a steady ad-
 “ herence to the most decisive and vigorous
 “ measures, the bulk of the community shall
 “ have been restored, from their present state
 “ of abject wretchedness, to the full enjoy-
 “ ment of their legitimate rights, I fear it
 “ will be in vain to expect solid and substan-
 “ tial improvement.

“ In my letter from Dinagepore to the ad-
 “ dress of Mr. Secretary Dowdeswell, under
 “ date 14th July last, I dwelt at some length
 “ upon the very general perversion which the
 “ landholders and farmers of this district and
 “ of Dinagepore, made of the law of distress
 “ and sale, to the furtherance of every species
 “ of rapacity and extortion; and I took the
 “ liberty at the same time to suggest such
 “ improvement as seemed to promise a miti-
 “ gation of the oppressiveness of a law which,
 “ though a necessary evil, must, under any
 “ restriction, ever continue to be a cruelly-
 “ powerful engine, in the hands of vindictive-
 “ ness and rapacity, of crushing the poor and
 “ the abject.

“ In the course of this address, I shall endeavour to shew to what a height rapacity, seconded by this and other instruments, has attained in the district of Rungpore. This enumeration will exhibit the state of the Ryot, far, very far more wretched than any one perusing in his closet the salutary rules of 1793 and 1794, and the many legislative enactments which preceded them, could conceive it possible for it to have become, under a systematic administration of those laws.”*

* Attached to this report is the following note. “ From obvious circumstances it would appear that in point of fact the provisions of Reg. IV. 1794, were enacted rather to correct an inconsistency in the code of 1793, than to explain a law hitherto misunderstood. I am of opinion *that the limiting of Ryots’ leases, in common with all others to the term of 10 years by Reg. XLIV. 1793, has been the principal cause of the almost utter extinction in practice of the right of the cultivator to unlimited possession.* Had the framers of Reg. IV. 1794, openly corrected this mistake in contradiction to the provisions of Reg. VIII. 1793, instead of adding to the confusion by confirming the intricate and inexplicable system of a decennial renewal of rights which admitted not of alteration, the promulgation of Section 3. Reg. V. 1812, would not have been followed by the injurious consequences it has produced.”—Vide Beng. Rev. Sel. vol. i. p. 381 to.402.

The reader would do well to compare the whole of this very able report by Mr. Sisson in 1815, with the account of the state of the country, given by Governor Verelst, in his instructions to supervisors in 1769.—*Vide supra*, p. 56. *et seq.*

If these oppressions were of partial or rare occurrence, it might be thought invidious, or betraying a spirit of vulgar hostility to drag into public notice the peccadillos of a fair system, which in such case would amount to nothing more than another proof of the truism, that no human institution is perfect ; but when the public records attest the universal prevalence of these monstrous abuses—when they are found to occur far and near—not only in remote and obscure corners, but at the very doors of our metropolis, in spite of multiplied enactments and regulations to restrain the violence—when we see the Court of Directors pressing the subject of “protection to the Ryots” on their governments abroad for upwards of half a century, and that the ablest and best of their servants have, to this hour, failed in their endeavours to accomplish it—can we be otherwise than convinced that the operation of this baneful system is too powerful for the operation of law? and that in the arrangements which must shortly take place for the future administration of India, it will be the duty of the legislature to provide more effectually for the security and comfort of this most important class of their Indian subjects? But if the numerous laws hitherto enacted prove

ineffectual, ought it not to suggest to us some distrust in the capacity of Europeans, with all their admitted superiority of talent and political science, for the performance of the task? and if our own peculiar habits and acquirements unfit us for the duty of exclusively legislating for a people differing from us as widely in manners, as in geographical position, does not reason point out the adviseableness of drawing more copiously on that fund of sagacity, acuteness, local experience, and minute knowledge of the morals and habits of the people, which we have at our command in native aid? But this is a subject which will be fully discussed hereafter, and which it would therefore be premature to dwell upon here.

SECTION IV.

State of the Madras provinces. Case of Causey or Cass Chitty. Exactions of Native Revenue servants, universal in the Collectorships under Madras.

But we must now direct our attention to the Madras territories. The testimony and opinions of the Revenue Board at Madras, of the Government there, and of the Court of

Directors (which will be further noticed presently) are given in various parts of the printed records. The unprotected state of the Ryots, the oppressions and exactions to which they are exposed, the dangers they incur from preferring complaints, and the unfitness of our institutions to afford them protection, or redress, are, as in Bengal, so fully and frequently acknowledged, so decidedly expressed, and in language so forcible, as to excite no small degree of surprise that a system* fraught with so much avowed evil, should through a series of successive failures, be still pertinaciously upheld as the only one suited to the natives of India.

Although it may be true that illegal exactions have, in some instances, been partially checked by the vigilance and integrity of European collectors, there are still many other cases on record, in which they have been ascertained, on investigation, to have been carried to such excess as to leave no doubt that the evil is not to be remedied by all the courts of justice, and all the European influence of the country, united. One set of proceedings by a special commission in 1815, is given in the volumes before us, in which extortion and

* Mad. Rev. Sel. vol. iii. p. 556.

embezzlement are proved against one man, the native treasurer in Coimbetoor, by name Causey or Cass Chitty, to the amount of six Lacs of Pagodas, or about £225,000 sterling. In Salem, Rajahmundry, Tanjore, Malabar, and many other parts (not to mention the Bengal provinces) similar discoveries have been the result of local enquiry. This, indeed, is an evil of tremendous magnitude; sufficient of itself to destroy industry universally; and, as long as the system continues in which it originates, to leave not a hope of amelioration.

The proceedings in the case of Causey, or Cass Chitty, so fully illustrate this part of the subject, that a short notice of these will suffice for all. Cass Chitty was attached to the department of the treasury, under the collector of Coimbetoor, in 1805-6. His situation was at first a subordinate one: but keeping his object steadily in view, he gradually rose to higher steps, and became at length the head cash keeper. The influence and talent of this man were constantly directed to convert every person, and every thing, in the country to the benefit of his own private trade. Had his graspings been more moderate, he might possibly have continued them unnoticed to the present hour; but when ex-

action was strained beyond the limit of patient endurance, when the plundered Ryots could bear no longer, — “behold a cry!” — a body of the inhabitants repaired to Madras to represent their sufferings to the authorities at the Presidency; an inquiry was instituted; detection ensued; and the following is given, in the report of the Commissioners of Inquiry* as the result, dated 26th February, 1816.

The influence which Cass Chitty had established in the country was so great, that it was not till 1815 that full proof of his misdeeds could be obtained. In April of that year, the acting collector ascertained that 13,000 Pags. (5,200*l.*†) had been issued from the treasury, for the tobacco monopoly, ‡ without orders. In July following, he suspended Sita Ram Sing, the head of the tobacco department, for altering the pay list of the servants under him; and shortly afterwards, the Tehsildar of Parandory, on a charge of embezzling

* The commissioners on this occasion were Colonel (Sir Thomas) Munro, and Mr. J. Sullivan, who had been appointed collector on the removal or death of the former collector Mr. W. Garrow.

† A Star Pagoda is valued in the Company’s account at 8*s.* sterling. Its intrinsic value is 7*s.* 5½*d.*

‡ It will be recollected that this monopoly (*vid. Vol. I. p. 553*) was established to aid and give effect to the tobacco monopoly in Malabar.

40,000 Rupees, (4,500*l.* *) He next discovered that Cass Chitty had, in the beginning of the year, sent 8000 Pags. (3,200*l.*) from the treasury to the pearl fishery at Tutacorin for his own benefit. For this transaction Cass Chitty was suspended; shortly after which the son of the suspended Tehsildar of Parandory was detected in the act of bribing, with 500 Pags., some heads of villages, to induce them to suppress information against his father, and Cass Chitty. The Tehsildar himself afterwards informed the acting collector that he had collected from the inhabitants, and paid to Cass Chitty, on account of the decennial lease, † 32,000 Rupees (3,600*l.*) for his own district, and 16,000 Rupees (1,800*l.*) for Darapooram. ‡

These were the first discoveries; and another collector being appointed, who prosecuted the inquiries which his predecessor, the assistant acting collector, had so ably begun, the following facts were, on the arrival of the Commissioners, established to their full conviction.

Cass Chitty had contrived to place his own

* The Madras Rupee is valued in the Company's accounts at 2*s.* 3*d.* sterling. Its intrinsic value is only about 1*s.* 11*d.*

• † *Vide Vol. I. p. 514.*

‡ A subdivision, as well as Parandory, of the Coimbetoor collectorship.

creatures in several of the subordinate revenue appointments of the province; and not content with ordinary exactions from Ryots, he had an eye to every source of profit which presented itself. He consequently interposed in the tobacco monopoly; and endeavoured to establish a private monopoly in Ghee,* and other articles; whilst the subordinate servants “ were compelled, in order to retain “ their situations, to cater into his views, and “ to become his agents in forming partial monopolies, in interrupting the dealings of “ established traders, in extorting from the “ Ryots the produce of their lands at a “ rate far below the market price, and sometimes without any payment whatever, and “ in storing and delivering over the articles “ thus procured.”

The embezzlements, which the Commissioners report to have been substantiated against Cass Chitty, are classed under two heads, viz.

1st. Those in the collector's general treasury, and

2d. Those in the districts, of which an abstract is given in the following table, viz.

Ghee — Clarified butter, in which state it is preserved for culinary purposes, and is in India a necessary of life.

From 1807-8 to 1814-15.	1st. Embezzlements in the Huzoor treasury.			2d. Embezzlements in the districts.			Total.			
	Star	Pag.	F. C.	Star	Pag.	F. C.	Star	Pag.	F. C. or £.	Sterling.
Tank re- pairs }	46,494	19	17	40,409	24	35	86,903	44	34	„ 34,762
Tobacco	131,617	13	44	12,296	—	18	143,913	13	62	„ 57,565
Extra col- lections }	31,343	8	35	268,812	37	60	300,156	1	15	„ 120,062
Sandal wood }				54,696	28	33	54,696	28	33	„ 21,878
Sundries	4,555	33	43	3,643	23	47	8,199	12	9	„ 3,280
Total	214,010	30	40	379,858	24	33	593,869	9	73	„ 237,547

The frauds and contrivances of this man were ingenious, and would be amusing enough, but for the injuries they inflicted on the oppressed Ryots. They afford, at all events, subject matter for legislators to reflect on; and may even furnish hints to those who are too prone to consider the Hindoos of India as a nation of incapables.

Cass Chitty had a private chest in the treasury, to which he transferred, without reserve from the public money, such sums as his occasions required, and replaced the amount by means of frauds, and overcharges in the public accounts, and by extortions and exactions from the inhabitants of the province. Some of his embezzlements were traced in the treasury accounts, whilst others were detected on investigation of the district accounts.

and the examination of district servants ; which accounts for the distinction observed in the preceding table.

The tank repairs were formerly conducted, and paid for, by the Tehsildars of the districts in which the repairs were made. Cass Chitty got the system altered, and the whole business transferred to a creature of his own, Sarungapani Pilla, entitled superintendant of repairs. The repairs to Pagodas, Cutcheries, and Choultries,* were classed under this head. Pilla had a separate department in the collector's own Cutchery. His accounts, however, were never left there at night ; but carried to his own house, where two sets were prepared ; one containing the expence actually incurred ; the other, fabricated for public use. The overcharge on this account, as collected from the treasury, and district, accounts, amounted, as per Table, to 86,903 : 44 : 34, of which Pags. 46,494 : 19 : 79. passed through the treasury accounts.

In 1810-11 Malabar was supplied with tobacco from Coimbetoor, by a contract at the rate of 9 Pags. per Candy of 680 lb. In the last-mentioned year, however, it was deemed preferable that the collector should purchase

* Pagodas—religious temples. Cutcheries—public offices for the dispatch of business. Choultries—public buildings erected on the high roads for the accommodation of travellers.

the tobacco directly from the Ryots ; and the Revenue Board accordingly ordered that the Ryots should be paid for their produce at the following rates, viz.

First sort,	Pagodas $7\frac{1}{2}$ to 8
Second do.	$6\frac{1}{2}$ to 7
Third do.	$5\frac{1}{2}$ to 6
Fourth do.	3

This arrangement required a separate set of public servants to purchase, sort, and warehouse the tobacco, and to deliver it to the persons in Malabar appointed to receive it, as well as to the licensed dealers for home consumption ; and Cass Chitty accordingly contrived to get another creature of his own, Sita Ram Sing, appointed superintendant of the tobacco department.

The tobacco was usually delivered by the Ryots, to the servants of the superintendant, in bundles of a certain size ; and the Tehsildars, and Curnums, of districts were ordered to attend the delivery, noting the quantity, or number of bundles ; and also to be present at the payments made to the Ryots ; and this was thought to be a complete check against fraud, or oppression. But Sita Ram was not so easily diverted from his purpose. When the tobacco was received, his own sorters stored it ; and then, at their own discretion, and without the Ryot-owners being present,

classed it into first, second, third, and fourth
 sorts; taking care to place each parcel in a
 lower class than where it ought to be.
 The Ryot thus received—say three, or five,
 Pagodas per candy, for what he ought to have
 got seven or eight Pagodas; the higher price
 being at the same time charged to Govern-
 ment in the public accounts by Cass Chitty.
 Sometimes it was declared by the sorters
 “ unfit for use, and no compensation given
 “ to the Ryot,—yet this very tobacco was re-
 “ tailed afterwards (for home consumption) to
 “ the owner and his neighbours at 50 Rupees
 “ per Candy.” The sorters exercised a simi-
 lar discretion in respect to the weight of to-
 bacco, in which it was computed that the
 Ryot was, on an average, defrauded of from
 5 to 20 per cent of the real quantity; which
 was then set apart, and ultimately sold, for
 Cass Chitty’s benefit.* After these operations,
 “ the Ryot was sent for, and told that his to-
 “ bacco weighed so much, and belonged to
 “ such and such sorts, and the regulated price
 “ was then paid him. *He knew very well that*
 “ *his tobacco had been underweighed, and under-*

* One of the witnesses examined on this point states, that
 “ in three years, more than 1000 candies of tobacco were
 “ gained in weight.”

“ rated, in the sorting, but he could not help himself; he could not afford to lose time in a fruitless contest for a higher price, which he knew would have no other effect than to provoke the sorter to throw his tobacco into a still lower class next season.” It may be added that Sita Ram prohibited his servants from allowing the Curnums to take an account of the weight of the tobacco, or to interfere effectually in any other respect. Both they, and the Tehsildars, therefore, gradually neglected the ceremony of merely seeing the tobacco delivered, weighed, or paid for; so that the proceedings of Cass Chitty, and Sita Ram, were in fact perfectly uncontrolled.*

In the neighbouring province of Madura, tobacco was reported to be higher priced than in Coimbetoor: Cass Chitty availed himself of this circumstance to make the collector believe that the produce of Coimbetoor would fall short, and be inadequate to the supply of Malabar; wherefore he had contracted for the supply of 2400 Candies of Madura tobacco at 15½ Pagodas per Candy. A creature of Sita

* We have here a proof of the fallacy of supposing Curnums to be, or ever to have been, a check, as is often pretended, on the acts of the superior revenue officers. Several other instances of the same kind might be quoted from these proceedings.

Ram's, Mayenna Chitty, was put forward as the pretended Contractor, and made to subscribe, as such, nine different receipts for money, on account of tobacco delivered, which he declares he neither supplied, nor ever paid for. The contracts were altogether fictitious. Only 554 Candies were imported from Madura, and these were delivered at $7\frac{1}{2}$, instead of $15\frac{1}{2}$, Pagodas per Candy. For the remaining 1846 Candies, Coimbetoor tobacco was substituted, of which there was no real deficiency and only paid for to the Ryots at from three to six Pagodas per Candy, together with what remained in Cass Chitty's private store from the produce of false weighing.

Another source of profit arose from the charges for conveying tobacco to Malabar, the actual average charge under this head in the private accounts being, Pagodas 21 : 42 : 14 : whilst it has since been contracted for at Pagodas, 12 : 22 : 40 per Candy.

To these iniquitous frauds, Cass Chitty added, in the public accounts, an overcharge for servants, some of whom were never entertained, and others not fully paid; likewise an overcharge for building storehouses; making the amount of his embezzlements in five years, under this head, Pagodas 143,913 : 13 : 62, as

above stated. And all this to realize a revenue of from 44,000 to 76,928 Pagodas (17,600 to 30,771*l.*) in Malabar, and not exceeding 3000 Pagodas (1,200*l.*) in Coimbetoor.

As an instance of the meddling interference of monopolists every where, the Ryots were restricted, under this monopoly, from cultivating a smaller quantity than ten maunds, to the great injury of those who, before, were enabled to discharge part of their revenue by the help of a small tobacco plantation of perhaps one or two maunds. From the produce of their own cultivation, they often reserved a little for their own use; “but whether they did so or not, they were harassed with constant visits from the revenue servants, and frequently obliged to buy tobacco, which they did not want, in order to escape the charge of smuggling.”

The next item is extra collections, Pagodas 300,156 : 1 : 15, of which 31,343 : 8 : 35 had been remitted to Cass Chitty at the treasury; and the remainder, or the greater part thereof, disbursed by his order, in the districts, to the agents who conducted his commercial speculations and private concerns; and, therefore, only to be traced in the district accounts. This sum is said to have been made up of the following items, which will require a few explanatory remarks, viz.

	S. PAGES. F. C.		
No. 1. Nuzzerana	83,590	3	34
2. Extra Collections for various purposes			
from the Ryots	62,633	39	27
3. Ditto, for village expences.	19,694	43	74
4. Collections for tank repairs not dis-			
bursed	1,829	9	4
5. Ditto, for provisions for Cutchery ser-			
vants	1,386	37	12
6. Ditto, for Tuccavy * not received by the			
Ryots	2,212	1	0
7. Value of sheep and grain delivered by			
Ryots — not paid	3,877	36	6
8. Bribes to Tehsildars for concealing rents			
of land, &c.	2,483	18	30
9. Collections of land rent and taxes con-			
cealed	47,289	29	68
10. Gain on the exchange of coins collected			
from the revenue	924	7	14
11. Produce of unclaimed cattle sold	11	32	12
12. Profit of the village renters under the			
triennial and decennial leases	16,271	15	21
13. Borrowed by the renters to pay rents			
and extra demand	23,347	15	55
14. Cash taken out of the collections by			
the Tehsildars	22,941	14	37
15. Produce of tax on grass lands con-			
cealed	11,652	13	21
<hr/>			
Total — Pagodas	300,156	1	15
<hr/>			

No. 1. Nuzzerana means literally a present, or contribution from an inferior to a superior.

* Money advanced to assist Ryots in their cultivation.

The term is commonly used to express fees, or presents, on appointments or succession to public offices, inheritances, &c.; extra contributions from tributaries; and contributions levied on a whole country in the name of the sovereign on particular state occasions, or pressing emergencies.

At this time (1811—12) the influence of Cass Chitty was paramount; he had acquired the confidence of the collector so completely, that the entire management of the revenue, and the appointment, and removal, of native servants were left to him. On the occasion of settling the decennial village lease, mentioned in *Vol. I. p. 514 et seq.* Cass Chitty thought it a good opportunity to exact a Nuzzerana; and measures were accordingly taken with the subordinate district servants, who were now completely obedient to his will. Under the preceding triennial lease (*Vol. I. p. 504 et seq.*) some of the renters had gained, but the great majority were considerable losers by their farms. To reconcile these parties to the Nuzzerana, he caused the aggregate revenue of the province to be reduced for the decennial lease; by which both parties were benefited; the former losers expecting to gain something by the reduction; and the former gainers, to gain more. Promises of advan-

tage were also made to the Potails of most influence in the country for their co-operation and aid ; and, thus supported, the project seemed for a time to roll on in a smooth current of undisturbed success.

But, in the midst of these golden schemes, comes an order from the Revenue Board at Madras, to stop altogether the decennial lease. This threatened to be a fatal blow to Cass Chitty's Nuzzerana, and likewise to the influence which he had established with the men of greatest local consideration and weight in the districts and villages. The inventive genius of Cass Chitty was not, however, easily foiled. With the aid of the Serishtadar (accountant and principal native officer of the Cutchery), he made out, in three to four days, a list of 604 villages, for which a decennial Jumma was pretended to have been already settled ; and laying this before the collector, who forwarded it to Madras, the Revenue Board concluded, from these representations, that the faith of government had been so far pledged to the arrangement, as to leave them no alternative but to sanction the settlement in Coimbatore. The collection of the Nuzzerana, therefore, went on cheerily ; as well as the distribution of rewards and privileges to the principal co-operators, although the set-

tlement itself had not even a commencement till six months afterwards. “The interval
 “ was spent by Cass Chitty in determining
 “ which villages he should reserve to himself,
 “ and those who most zealously promoted his
 “ designs; and in settling privately who were
 “ to be the future renters of villages, accord-
 “ ing to the sums they had already respec-
 “ tively paid, or were likely to pay him. The
 “ whole lease was a system of fraud and irre-
 “ gularity. Many villages were too highly
 “ assessed; and those which were otherwise,
 “ paid for the moderation they experienced.”

Along with the Nuzzerana, Cass Chitty levied another private assessment, called Monyim or office tax, from the Potails of villages:—“This Monyim or official tax was
 “ levied under different pretences; the gene-
 “ ral one was the confirmation of Potails in
 “ their official situations. By some Potails it
 “ was paid to prevent the rent from being
 “ raised; by others to get it lowered; by some
 “ because they had enjoyed the triennial
 “ lease on favorable terms; by some to get
 “ the management of villages which did not
 “ belong to them; and by many to secure
 “ themselves from being removed to make
 “ room for strangers.”

No. 2. This head was made up of arbitrary

assessments levied on the Ryots—in some cases according to their supposed circumstances—in others at a fixed rate for each Beegah of land—in others, exactions on various pleas, beyond the amount inserted in Ryots' Pottahs—and in others, to enable the poorer Potails to make good the money they had agreed to pay, for being continued in office by Cass Chitty.

No. 3. The Commissioners admit that the expence of village festivals is usually borne by the village inhabitants; “but the sum in this instance is at least three times as much as it ought to have been.”

No. 4. Speaks for itself. This extra charge has been already fully explained.

No. 5. Is the price of provisions taken by the Cutchery servants from the shopkeepers and others, who were reimbursed by assessment on the country.

No. 6. Is a collection from the Ryots to replace Tuccavy, which had been embezzled.

Nos. 7 & 8. Speak for themselves.

No. 9. Consists of sums deducted by Tehsildars from revenue actually agreed for by Ryots, and applied to their own, or Cass Chitty's, use.

Nos. 10 & 11. Require no remarks.

No. 12. Is rather doubtfully mentioned by

the Commissioners. It seems to have been an application, in the first instance, of the renters' profits to make good the Nuzzerana, and other extra assessments; but whether ultimately replaced by extra levies from the Ryots is not distinctly stated.

No. 13. This is money borrowed by different heads of villages to pay the private demands of Cass Chitty and his agents; the chief part, if not the whole, of which was realized by assessments on the Ryots.

No. 14. Consists of sums taken by the Tehsildars out of the revenue.

“ When the Potal or Curnum brought the
 “ Kist (instalment) of his village to the Teh-
 “ sildar, a fourth, a third, or a half, according
 “ to the occasion, was set apart by the Teh-
 “ sildar, and a receipt given for the remain-
 “ der to the Potal, who was left to make
 “ good the deficiency by an extra assessment,
 “ or, if that proved ineffectual, to report it as
 “ a balance due by poor Ryots.”

No. 15. Explains itself.

All these items were taken from, or confirmed by, the Curnum's accounts. The only one, on which the Commissioners entertained a doubt, was No. 12; but whether this was, or was not, an extra levy from the Ryots is of little consequence in the general mass; for the

preceding extra collections were by no means the whole. The Commissioners had ample grounds to conclude that the Curnums were not backward in helping themselves. From 60 to 80 thousand Pagodas are stated to have been collected, of which the Curnums gave no account; and which they are, therefore, supposed to have appropriated. In six villages, where the cries of the inhabitants obliged the Commissioners to institute enquiry, it was ascertained that whilst the Curnum's accounts only exhibited an extra collection of - Pags. 1456 There were exacted from the inhabitants, 4630

Difference, or supposed embezzlements	}	3174
by Curnums, in six villages only,		
		or £1269

But this was not all; for the Commissioners farther inform us, that as Cass Chitty "countenanced the exactions of the Aumildars, because he partook of them himself, "so both they and the Potails collected more "than he knew of; the disorder and rapacity "of which he had given the example descended through every gradation to the lowest revenue servant." *

* If the exactions and embezzlements of Cass Chitty be compared with the list of Mussulman imposts, contained in the *note*. p. 27 to 34, it will be seen that although names may have

Some of Cass Chitty's embezzlements arose from no less than 96 villages, which he had contrived to appropriate to himself—that is—he was the real renter of these villages, which he caused to be held in the names of some of his own minions. They were unequally assessed to the revenue from motives of policy ; but, on the whole, greatly under-assessed, compared with other spots. His profit from them was, therefore, great. But the Board of Revenue having sanctioned an aggregate sum, as the Jumma of the whole province, it became necessary that the abatement in Cass Chitty's favoured villages should be made good by an over assessment in others ; and the consequences were very injurious ; it in fact rendered the realization of the whole Jumma impracticable.*

But Cass Chitty regarded these villages more as a merchant, than as a landholder. In

changed, and the most vexatious of the Mussulman taxes, &c. have been nominally abolished under the British government, still that the practical operation of the system continues to be much the same.

* It is even stated that the total loss by decrease and balances of revenue from 1806—7 to 1814—15, nearly equalled the amount of extra collections and embezzlements made during the same period by Cass Chitty.

some the rents were paid in kind. Of this produce the greater part was distributed to public servants, such as tank diggers, bullock drivers, &c., in lieu of wages; and charged as such in the public accounts, but at rates varying from 50 to 100 per cent. above the village prices.

It may be added, of these embezzlements, that they were conducted with a degree of method, system, and ingenuity, plainly indicative of superior talent, but lamentably sullied with the grossest corruption. Or, if the case admits of palliation, it is to be found in the reflection, that though talent, when wanting in moral worth, only serves to give eclat to infamy, still it may be too much to expect from native Indians, the virtue to resist temptations, where numbers, even among those who pride themselves on greater refinement and higher notions of honor, would be found equally wanting.

The next item of embezzlement in the table is Sandal wood, Pagodas 54,696 : 28 : 33. This was a monopoly in the hands of Cass Chitty, and managed as follows. There was a nominal contractor put forward, Mannar Kistnah Chitty, but in reality a servant of Cass Chitty, on a monthly pay of 8 Pagodas. The ar-

rangement with the contractor was, that he was to cut the Sandal wood in the jungles ; to deliver to Government all the pieces of the first sort corresponding with an appointed sample ; and to retain for his own use inferior pieces to cover charges and profit ; besides which, he was allowed 2½ Pagodas per Candy, for transporting the Sandal wood from the depôt villages to the town of Bhowani. The rejected Sandal wood was sent to other store-houses, whence it was issued, and disposed of on Cass Chitty's account. In this arrangement there was no precaution of any kind taken against fraud. The contractor, and rejector, being in fact the same person, it may well be conceived that the rejected pieces were often as good, sometimes better, and always, from their superior number, more valuable than those given to Government.

The last item in the preceding table is, Pagodas 8199 : 12 : 9, and is made up of embezzlements in the price of sheep and grain supplied to the commissariat and in the pay of servants ; of overcharges for paper, cotton, &c. ; the hire of bullocks ; embezzled profit on the exchange of certain coins received as revenue ; and of overcharges in the hire of carts for carrying the Cutchery baggage.

The aggregate of the preceding embezzlements, being 593,869 Pagodas, is what the Commissioners conceive to have been substantiated by their inquiry against Cass Chitty; but they add their persuasion that the full extent of these frauds had not been detected, and that they would be increased by further investigation, particularly in the tobacco department. From the public accounts, however, it is, as the Commissioners observe, plainly enough proved that Cass Chitty, as the principal director of these malversations, appropriated to himself no less than Pagodas 330,320; the remainder being distributed, probably as hush money, among the revenue, judicial, and native police officers of the province.

But independent of these exactions and embezzlements, Cass Chitty employed all the influence of his office (compelling the Tehsildars and public servants to officiate as his agents) to trade in, and to monopolize when he could, all the chief products of the country. His dealings in Ghee (a necessary of life to native Indians) most excited general discontent. He not only endeavoured to get as much of the commodity as possible into his own hands, but interrupted the trade of other merchants. In August, 1812, he per-

suaded the collector to issue an order to prevent any person, who had not taken out a Pottah for the professional or house tax, called Sournadayum, from trading at all. In September following it was declared, that it was not intended to restrain trade, which might be carried on whenever Pottahs were received. By raising difficulties in the grant of Pottahs, and stopping goods at the custom house stations, Cass Chitty compelled the dealers to give up to him a part of their trade for the sake of retaining the rest.

His plans were greatly favored by a change in the tariff. From a previous duty on Ghee of Pagodas 68:30 per hundred Marcals*, it was raised in October, 1812, to 250 Pagodas; the usual or natural price of the article being about 100 Pagodas; (another specimen of the rate of Indian taxation!) but Cass Chitty purchasing from the dealers at a low compulsory price, and, from his influence in the district, evading in a great degree the payment of customs, this article became also so far a monopoly in his hands, and productive of vast profit. By a series of vexations and prohibitions, in which the Tehsildars were compelled

* *Marcal* — An Indian measure containing 8 Puddies, 1 Puddie being equal to 1.62 English quarts; hence 43 Marcals=15 English bushels.

to co-operate, he secured to himself about one half of the Ghee trade of the country, at rates from one fourth to one third lower than the market price. The dealers were moreover only permitted to carry on the remainder, on condition of paying to Cass Chitty, 1½ Fanam for every bullock load delivered to himself. Half a fanam of this tax was to defray the expence of a silver bull, which Cass Chitty meant to present to the Trinomala Pagoda; the other three quarters to pay the charges of three Choultries* which he had ordered to be erected; thus hoping, it is presumed, as many hypocrites in the West have also done, to expiate his crimes by sanctimonious donations, and the endowment of public charities.

Cotton was another article which Cass Chitty endeavoured to monopolize. Government had ordered 1500 Candies to be provided annually, for five years, for the Company's investment to China. Agents were accordingly appointed in the districts—the creatures of course of Cass Chitty—and advances made of 11657 Pagodas (4,662*l.*) to aid the Ryots in

* Buildings on the public roads, erected sometimes by government, and sometimes by private charity, for the accommodation, gratis, of travellers.

cultivation. This plan, however, failed ; the Ryots objecting to it, in consequence of their being prohibited to sell their cotton without leave ; and foreseeing that it would be extorted from them, by Cass Chitty's agents, at a price below its market value. Of the advance intended for the Ryots, a large portion was retained by Cass Chitty, with which he prosecuted the concern for his own benefit, after it had been abandoned on public account ; and still continued to employ the public servants, as if it were carried on for the benefit of the Company.

Cass Chitty had two Indigo works for which the plant was supplied by the public servants. The Tehsildars advanced seed to the Ryots. If the crop succeeded, the produce was sent to the Indigo work, and the Ryot was paid "*what was deemed sufficient.*" If the crop failed, Cass Chitty received the value of the seed ; and the revenue from this land was discharged by an extra assessment, on the village, or left as a balance outstanding.

Cass Chitty also caught, and sold, elephants. The pits for catching these animals were dug by the inhabitants without being paid for their labour ; and they were often obliged to feed the elephants at their own expence.

He likewise procured from Malabar a large quantity of salt on a pretended contract, which was supposed to be on account of Government, but sold in Coimbetoor for his own benefit.

His private trade in short extended to every article of produce in the country, supported by official influence, the aid of public money, and the agency of Tehsildars and others to extort goods from the inhabitants below their real value. In the accounts for example of one of Cass Chitty's agents, Vencatamaniah, a purchase from the Ryots of oil-seed, grain and Dhall (dried pease) is debited with 4589½ Rupees, when the market price was 9179 Rupees. The trade of his other agents was conducted on the same principle; and the commissioners sum it up with the following remark. "Every
 " appointment and removal was through Cass
 " Chitty; he received money from every
 " public servant, and peculated from every
 " possible source, he traded in every thing
 " where profit could be got, by employing au-
 " thority, and abusing confidence; *he regarded*
 " *the country as his shop, and its produce as*
 " *destined for the benefit of his trade.* This
 " trade was carried on with the public money,
 " through the agency of public servants.

“ He was not satisfied with using the public
 “ servants merely to aid his own trade, but
 “ employed them to stop the trade of others ;
 “ he was himself the principal contractor and
 “ dealer, under various names, in every ar-
 “ ticle; and he has not done more mischief
 “ by his own peculations, than by instigating
 “ those of every revenue servant in the coun-
 “ try, far beyond what they even thought of,
 “ and by rendering universal the practice of
 “ concealing and falsifying accounts.

The Commissioners enter into some de-
 tails to prove that the Public Revenue was
 seriously affected by these exactions, as
 might indeed be naturally expected. They
 had also reason to be satisfied, although their
 enquiry did not extend to the custom depart-
 ment, that abuses prevailed there to as great
 a degree as in other branches of revenue. To
 avoid detection Cass Chitty, had taken the
 precaution of frequently removing the servants
 appointed to the different custom-house sta-
 tions, and of destroying or concealing their
 accounts. A near connexion of his own had
 been suffered to remain in Coliagal, from Sep.
 1813, to Sep. 1815. He then absconded with
 his accounts, but had previously embezzled
 the following sums.

	PAGS.	F.	C.
“ Customs of bazars and villages privately “ rented	512	3	34
“ Taxes on Betel gardens, collected 288 Pa- “ godas, embezzled.....	204	0	0
“ From customs on cloth, by concealing the “ produce of all the finer sorts	719	31	0
“ Taxes on the looms of Pariars not entered in “ the accounts.....	857	6	34
“ Duty on 100 bullock-loads of Cass Chitty's “ Ghee remitted	100	0	0
“ Receipts from the private renters of seven bye “ roads.....	411	19	18
“ Extra collections at the Talwadee Chokie, at “ the rate of $\frac{3}{4}$ of a Rupee on each bullock- “ load of Ghee ; and 1 Rupee on each “ bullock- load of cloth.....	1714	12	68
“ Extra collections on account of Cass Chitty's “ silver bull.....	463	10	34
“ Bribe from the oil dealers for remitting the “ tax on oil seed.....	37	35	65
<hr/>			
“ Pagodas	5019	29	13
	or £2007”		

. The Commissioners add their belief that frauds to a like extent existed in all the Chokies (custom-house stations) throughout the collectorate; and conclude their report with pertinent remarks on the unprotected state of the Ryots, and the insufficiency of our Courts of Justice to redress grievances ; whence they conclude “ *that the same abuses must prevail,*

*“ to a greater or less extent in every province
 “ under this government.”**

* Of these abuses it is fair to add that the Revenue Board at Madras, in a minute on the Commissioners' Report in December, 1827, or 22 months after the date of the other document, objected to sundry parts of the evidence, as being defective; not that they doubted the main fact of fraud, exaction, and embezzlement having been carried to a great extent, but questioning some of the commissioners' conclusions, and apprehending that the specific sums charged against Cass Chitty and his minions, from the mutilated and defective state of the accounts, were not supported by such proofs as would be deemed conclusive evidence in a court of justice. Their closing remark on this head is rather curious. “ The Board
 “ are quite disposed to admit, that the inquiry as conducted by
 “ the Commissioners, and the evidence obtained by them *would*
 “ *in former times have been considered sufficient to warrant*
 “ *the recovery, from the servants and others, of the sums*
 “ *made out against them by an examination of district ac-*
 “ *counts.** But since courts of justice have been established,
 “ all classes of persons, including revenue servants, are placed
 “ under their protection, and to compel a refund of money
 “ without legal evidence of its receipt, or evidence that public
 “ money had been misappropriated, would involve the govern-
 “ ment in vexatious law-suits, and serious responsibility. It
 “ is in this point in particular that the Board are of opinion,
 “ that the proceedings of the Commissioners are defective and
 “ inconclusive. *They furnish no doubt abundant revenue*

* “ See Proceedings of the Tanjore Committee of Inquiry, dated 31st of July, 1804, in which nearly a lac of Pagodas was recovered by the Collector without a judicial process; but such a course of proceeding could not now be sanctioned.” These proceedings are noticed in the Author's former publication. Vide Speeches, Appendix.

SECTION V.

Inefficiency of the Revenue and Judicial Regulations to protect the Ryots.

Judicial powers vested in Revenue Officers for the more effectual detection and punishment of abuses. Effects of this change, and of the System generally, as far as can be traced from printed Official Records.

When the report of the Coimbetoor commissioners was communicated to the Court of Directors, it drew from them the following remarks, dated 22d May, 1818, to which the reader's attention is particularly requested, since he will here find unequivocal proof that the case of Cass Chitty, far from being singular or isolated, is but a sample of the criminality common to every other province of the empire; and for which no other cause is pretended to be assigned than the insufficiency

“ *evidence* of fraud, embezzlement, and corruption; but on “ the subject of the amount of the frauds, the Report of the “ Commissioners does not contain satisfactory information.”

These objections were afterwards (March, 1819) fully answered by the Collector of Coimbetoor, Mr. Sullivan, who had been a member of the Commission, and further explanations given.

The Court of Directors, in reviewing these proceedings in 1821, animadverted in strong terms on the conduct of the Board of Revenue, disapproving of their objections and confirming the Report of the Commissioners. We may also pre-

sume that the explanations given by the Collector, were ultimately satisfactory to the Board of Revenue, since in a subsequent minute of theirs in November, 1820, they admit the case of Cass Chitty to have been “ clearly established ;” and, that, of his exactions and embezzlements, “ nobody now doubts.”

of our laws — in other words, *the principles, and operation, of our financial and judicial system.*

“ We cannot defer calling your particular
 “ attention to the sentiments contained in
 “ paragraphs 124 to 136 of the valuable and
 “ important report of the Commissioners, re-
 “ specting the inefficiency of your present
 “ regulations for the prevention and detection
 “ of abuses, and for the protection of our na-
 “ tive subjects. This position, unfortunately,
 “ does not rest exclusively upon the scenes
 “ of fraud, corruption, and oppression which
 “ are exhibited in the report of the Coimbetoor
 “ commissioners. We have recently had
 “ under our review in the judicial department
 “ the flagrant acts of extortion which have
 “ been perpetrated by the servants of the
 “ Zillah Court in the district of Canara; and
 “ the following extract from the letter which
 “ was addressed to you by the Board of Re-
 “ venue on the 11th of December, 1815, clearly
 “ shews that *the evil has not been confined to*
 “ *one or two provinces, but that it is extensively*
 “ *prevalent throughout the territories subject*
 “ *to your government.* ‘ It has of late too
 “ ‘ frequently been our unpleasant duty to
 “ ‘ bring to the notice of the Right Hon. the
 “ ‘ Governor in Council, numerous instances
 “ ‘ of extortion, embezzlement, repeated mal-

“ ‘ versations, and fraudulent combinations on
 “ ‘ the part of the native servants employed
 “ ‘ in the administration of the various branches
 “ ‘ of the Revenue entrusted to our manage-
 “ ‘ ment ; and it is with deep regret we con-
 “ ‘ fess that *there are not many districts under*
 “ ‘ *the presidency of Fort St. George, which*
 “ ‘ *have not, within these few years past, afford-*
 “ ‘ *ed the most lamentable proofs of the preva-*
 “ ‘ *lence of abuses in this department of our*
 “ ‘ *native agency.* The late bold and exten-
 “ ‘ sive embezzlements in the provinces of
 “ ‘ Coimbetoor and Malabar, the considerable
 “ ‘ frauds in the cash chests at Malabar, Ma-
 “ ‘ sulipatam, and Guntoor, the general and
 “ ‘ organized system of corruption in the
 “ ‘ southern division of Arcot, the abuses at
 “ ‘ Nelloor and Guntoor in the salt depart-
 “ ‘ ment, and at Coimbetoor and Cuddapah
 “ ‘ in the customs, and the corrupt practices
 “ ‘ of two successive head native servants in
 “ ‘ the Jaghire, not to enumerate the many
 “ ‘ inferior abuses which are daily brought to
 “ ‘ our notice, too amply prove that extensive
 “ ‘ abuses are practiced by the native servants
 “ ‘ in every branch of the Revenue depart-
 “ ‘ ment, and that the arrangements at present
 “ ‘ in force are totally inefficient for the pre-
 “ ‘ vention and punishment of these grave

“ ‘offences, no less prejudicial in their consequences to the revenues of the state, than productive of the most serious injury to the morals of the people.’ ”*

These are very important considerations, viewed as universal effects of obvious and avowed causes ; but unfortunately the general prevalence of these enormities is not the whole evil. It is also clearly established, in the same official records, that redress to the inhabitants who suffer from these cruel exactions, is from the same cause — the utter inefficiency of our system — absolutely impracticable. In an able minute by the Madras Board of Revenue, Nov. 27, 1820, on the subject of protection to the Ryots generally, the following further testimony is borne, not only to the magnitude of the mischief, but to the entire hopelessness with which the suffering inhabitants are destined to endure it.

“ The result of recent inquiries, particularly in Coimbatore, Rajahmundry, and Salem, shows that cases of exaction and embezzlement ought to be tried on the spot immediately, by a summary process before a com-

* For the proceedings at length in the case of Cass Chitty, vide *Mad. Rev. Sel. Vol. I.* pages 712—810.

“ petent authority, and that the amount of
 “ the exaction and embezzlement ought to
 “ be recovered immediately as far as may be
 “ practicable, and repaid to the injured par-
 “ ties. The regular courts cannot decide on
 “ such cases to the satisfaction and security
 “ of the people, or of the government, as the
 “ inquiry involves an examination of intricate
 “ revenue accounts, which the servants of the
 “ court cannot be supposed to be acquainted
 “ with. Too many persons are concerned as
 “ witnesses, or suffer in such cases. Their
 “ residence is at such a distance from the
 “ seats of the courts, and the lapse of time
 “ before the courts can examine them is so
 “ great, that much inconvenience is generally
 “ felt in attempting to substantiate such cases
 “ in the courts in the ordinary way. Many
 “ of the parties or witnesses die before the
 “ Court can examine them ; some of the most
 “ important are bought off, or induced to
 “ soften or retract their evidence or accusa-
 “ tions. It appeared that at least 600 wit-
 “ nesses would be necessary to establish the
 “ matters to be proved in the suits instituted
 “ by Causey Chitty against the government
 “ in the Trichinopoly Court. The case had
 “ been, in fact, clearly established before the
 “ special Commission in 1815 ; and besides

“ the great inconvenience and expense of
 “ sending half the country again to testify
 “ before the courts what they had already
 “ stated before the Commission, many died
 “ before they could be examined, and many
 “ more must die before their evidence be
 “ taken, according to the formal procedure of
 “ the Courts, in the causes in which Causey
 “ Chitty is concerned, and in consequence
 “ from want of evidence the causes may be
 “ lost. Many have not yet been examined
 “ for want of time or other cause. There is
 “ no calculating when these causes may be
 “ settled. They have been removed into the
 “ Supreme Court. How the Supreme Court
 “ can investigate such matters, even suppos-
 “ ing they were not revenue cases, in which
 “ they have no jurisdiction, it is difficult to
 “ imagine. They can only be properly in-
 “ vestigated, indeed, by persons intimately
 “ conversant with revenue affairs. At all
 “ events, justice has not been done, because
 “ if Causey Chitty did not exact and em-
 “ bezzle the money he was said to do, his
 “ property has been sold, his person con-
 “ fined, and he has suffered a good deal of
 “ inconvenience and expense without getting
 “ any redress. If, on the other hand, he did,
 “ as nobody now doubts, make those great

“ exactions and embezzlements, neither the
 “ government nor the Ryots have yet got any
 “ satisfaction, even to that extent to which
 “ they ought and might have got it under a
 “ prompt and effectual system ; and, what is
 “ worst of all, other public servants have seen
 “ that there is no prompt power even to re-
 “ cover the amount of exactions and em-
 “ bezzlements, much less to punish them, as
 “ all natives think they ought to be punished.
 “ In the case of exaction, the money should
 “ be restored on the spot to the persons from
 “ whom it was taken, or at all events those
 “ who exacted it ought to be immediately pu-
 “ nished ; if this is not done, the Ryots will
 “ not be satisfied with our justice. In Causey
 “ Chitty’s case it seems useless, or rather
 “ giving unnecessary trouble, to oblige hun-
 “ dreds of men of business and farmers to
 “ attend a distant court, to give evidence in a
 “ case which is not likely to be settled for
 “ many years, when the individuals who were
 “ injured shall be dead, and the subject for-
 “ gotten, so that even supposing the claims
 “ of the Government against Causey Chitty
 “ be at least fully admitted, no benefit can
 “ result either to the injured individuals, or
 “ to the Government, in the way of example
 “ to other public servants. Life, and every

“ thing else, in India, are so uncertain, that
 “ the advantage of prompt justice has become
 “ proverbial. Causey Chitty and his friends
 “ plundered the Government and the Ryots,
 “ according to the belief and judgment of
 “ those who have had the best opportunities
 “ of looking into these cases, of six lacs of
 “ Pagodas. The Government committed him
 “ to jail, and sequestered and sold the property,
 “ and have recovered nearly 30,000 Pagodas
 “ (12,000*l.*); but he has prosecuted the Govern-
 “ ment for damages, has put them to a great
 “ expense, and has got released from confine-
 “ ment, without having given sufficient secu-
 “ rity; and from the death of witnesses, the
 “ negligence with which Government suits
 “ are usually managed, and the uncertainty
 “ of the law, may possibly gain his suits, at
 “ least in the lower courts. It is impossible
 “ that with such an example before them, the
 “ Ryots or the native servants can respect the
 “ Government, or its regulations, or conduct.
 “ It is true, it may be said, that if Mr. Gar-
 “ row had not neglected his duty, these ex-
 “ tortions and embezzlements could not have
 “ been carried so far. There can be no doubt,
 “ that we must principally look to the civilians
 “ in charge of the general government of pro-
 “ vinces for the protection of the Ryots, and

“ the security of the revenue ; but it seems
 “ also necessary to establish a proper system
 “ consistent with the business and extent of
 “ the country, the nature of the people, and
 “ our own situation in India.

“ Neither the Government nor the Ryots,
 “ have yet got any adequate satisfaction for
 “ the ~~exactions~~ exactions and embezzlements of Causey
 “ Chitty in Coimbetoor ; and with respect to
 “ those lately reported on at Salem, of which
 “ no doubts can be entertained, and which
 “ seem to have been carried on for a longer
 “ period, to a greater extent, and with more
 “ injury to the people, though from circum-
 “ stances they may not have been so large in
 “ amount as those in Coimbetoor, *there does*
 “ *not appear to be any way of recovering any*
 “ *part of the public money, or of redressing the*
 “ *injury done to the people.* Those who have car-
 “ ried on this system of exaction and embez-
 “ zlement for years, will retire, and enjoy the
 “ large fortunes they have made. Such im-
 “ punity cannot but have had bad effects
 “ on the native servants, and the people at
 “ large.”*

The effect produced on the people at large

* Mad. Rev. Sel. Vol. III. p. 560—562.

is indeed one of the most important parts of this question. It is not merely an injury to morals, or an encouragement to corrupt practices, that is here to be deplored. We should also look to the effects produced on the character of the people; to that despair of improvement; that hopelessness of common justice; and consequent universal apathy which long continued oppression and misery—uncontroled power on the one hand, and poverty and ignorance on the other—never fail to superinduce in all countries: and which is well described in the words of the Coimbe-
toor Commissioners' Report, of which Colonel (Sir Thomas) Monro himself is the presumed author.

“ It is well known, that the great body of
 “ the Ryots will submit to extra assessments
 “ as long as they can pay them, rather than
 “ seek redress from the courts. There cannot
 “ be a stronger proof in support of this obser-
 “ vation, than the occurrences in Coimbetoor
 “ for some years past, where, though at least
 “ 30,000 Ryots have paid extra assessments,
 “ and numbers have been compelled to part
 “ with their sheep and cattle without com-
 “ pensation, very few of all this number, pro-
 “ bably not twenty, have ever sought redress
 “ from the Zillah Court, though the judge is

“ acknowledged to be a most active and zealous public servant ; it is, therefore, impossible to resist the conclusion, that our institutions are inefficient, and that the same abuses, to a greater or less extent, must prevail in every province under this government.

“ The idea that these oppressions can be diminished by the courts, might have some foundation, if the state of society in Indian villages in any way resembled that which is found among the nations of Europe ; or if the Ryot would, like the farmer in England, resist any demand beyond his fair rent. But this is so far from being the character of the Ryot, that though he sometimes clamours, he seldom resists exaction, but goes on paying one extra tax after another, till he has nothing more to give. His submission is the effect of long habit, and arose at first from the authority exercised over him by the head of the village, and has more recently been confirmed by his perceiving how insignificant the power of the courts to protect him is, in comparison with that of the rentor, or revenue servant, to injure him.”*

* Mad. Rev. Sel. Vol. I. p. 750—1.

The inquiring reader will, perhaps, excuse this lengthened reference to documentary evidence. When this work was first undertaken, it was under an impression that the new view intended to be given of the state and condition of Indian society, and the miseries and oppressions about to be detailed, would not be credited in this country on the bare assertion of any individual, however respectable; and as proofs abounded in official records, it was thought best in every respect, and likely to be most satisfactory to readers to whom these subjects were new, to be at once assured, that the facts advanced are susceptible of the fullest confirmation. It will also be seen that the author's proofs are all drawn from the highest existing authorities; and which leave, at the same time, no room to suspect either misstatement, or exaggeration. Having laboured to give a candid and faithful account of our Indian systems, in the anxious hope that good may be the result, prejudice, party zeal, or even misconception can hardly, one would think, be ascribed to a statement where those, who may be supposed to be adversaries in the present argument, thus bear ample testimony, as well to the universal prevalence of the evils it is here intended to describe, as to the fullest extent

of the injuries they are represented to inflict.

Here then we have a system obviously wanting in all the requisites to promote the purposes of good government—to promote those ends which the British Government have always professed their desire, and which alone it would be creditable to them, to establish in India. At present, neither person, nor property, can be said to be adequately protected; whilst every incitement to industry, or improvement, is deadened, or removed. In our anxiety to mend acknowledged evils, schemes are enforced prescribing, or encouraging, a meddling and ruinous interference, where all ought to be left free; and vesting uncontrolled power in the hands of those who are sure to abuse it.

But of all the evils to which the system gives rise, what more deplorable than the unprotected state of the Indian Ryot! If a revenue, intended to be 50 per cent of the gross produce of his labours, should leave him possessed of a surplus, it is grasped by the rapacious hand of some speculator in brief authority, for his own benefit; or if the speculation be detected, it affords a motive, sooner, or later, to the collector himself to recommend “*improvements*” of the revenue, since his credit

with the higher authorities is likely to be promoted by the increase. Poverty — hopeless, helpless poverty — with its usual concomitants, apathy and despair, is thus the unpitied, unredressed, lot of this most valuable and important race. Yet this is the system — these its principles, and this its operation — which uninformed persons in this country, and even some of the better informed abroad, are in the habit of holding up to admiration, as being peculiarly well suited to the natives of India. And because, under the pressure of such paralyzing evils, improvement becomes an absolute impossibility, we add, to the injuries inflicted, the injustice of stigmatizing the people with the character of incapables. To use the words of a departed Premier, on a memorable occasion, “This is really too bad.”

The notoriety of these abuses by native revenue servants induced the Revenue Board, in 1813, to prepare a regulation for their detection and punishment; but owing to various delays it does not appear to have been promulgated. In November 1820, or seven years afterwards, this subject, “protection of the Ryots,” again attracted the attention of the Revenue Board. At this time they still declare it to be “unquestionable that the great body of the Ryots is not in that state of

“ ease and security in which the justice and
 “ policy of the British government mean to
 “ to place them. In general the Ryots sub-
 “ mit to oppressions, and pay what is de-
 “ manded from them by any person in power,
 “ rather than have recourse to the tedious,
 “ expensive, and uncertain process of a law-
 “ suit. The cases in which they are sufferers
 “ are too numerous, various, intricate, and
 “ technical; they and their witnesses are so
 “ far from the seats of judicature: delays
 “ are so ruinous to them; they are so poor,
 “ so averse to forms, new institutions, and in-
 “ tricate modes of procedure; they are so
 “ timid and so simple a race, that it is neces-
 “ sary for government to endeavour to protect
 “ them by a summary and efficacious judicial
 “ process; and it is evident that the officer
 “ entrusted with the general government of
 “ the province, as having the greatest and
 “ most immediate interest in the welfare of
 “ those under his government, and as the only
 “ officer having a free and full intercourse
 “ with them, should be vested with the duty of
 “ conducting these summary proceedings.”*

Many persons may think that the last rea-
 son advanced by the Revenue Board is not

* Mad. Rev. Sel. Vol. III. p. 556.

remarkable for its wisdom, or altogether consistent with the soundest maxims of polity. Such, however, as it is, the principle was adopted. And as a remedy for the evils above described, and to guard the Ryots against their recurrence, it was proposed that the collector of a province should be vested with power to entertain, and decide, after summary process, on all revenue cases; that is, on all cases, disputes, or complaints, connected with landed tenures, their occupancy or management; the collection or assessment of revenue; and all illegal exactions, embezzlements of revenue, concealment, destruction, or falsification of accounts, or other misdeeds, of public servants; or to delegate authority for these purposes, in some instances, to his assistant; in others, to the native officers acting under him; and in others, to refer them to Panchayets. The collector, it was also proposed, should adjudge damages and costs; impose fines and penalties; in short, exercise the same powers, and in the same way, as before committed in cases of this description to the judicial courts. The award of a Panchayet to be final, but from the decision of a collector an appeal might be made to the proper judicial court, or to the Board of Revenue, in cases where the sums decreed should exceed 20 Rupees.

The proceedings and examinations before a collector to be verbal, or recorded, at his discretion. In cases of appeal, only, was a record specifically required : such record to be then kept in the native language, and in the same way as proceedings in the revenue Cutchery are usually kept ; and to be received as good evidence in the courts. For particular cases, where government might deem it necessary, a special commission to be appointed to enquire into exactions, embezzlements, or other malversations in the provinces. Such commission to be vested with the fullest judicial, revenue and executive powers ; their decision to be final, and immediately enforced.

It was also proposed to vest collectors with magisterial authority to apprehend offenders ; and likewise to give to Tehsildars, the power to try and punish petty thefts in a summary way, not exceeding two Rupees, and to Zemindars, and head inhabitants, not exceeding one Rupee.* Collectors and their establishments were, before this, in the exercise of the duties and authority of the police. In 1822 Regulations V. VI. and IX. of that year were accordingly passed to consolidate these

various powers in the revenue department of the service.

These powers have been adverted to before (*Vol. I. p. 527-8*); but the question here is, not whether the union of the powers of a judge, magistrate, police-officer, and tax-gatherer, in one and the same person, be, or be not, a judicious arrangement on general principles. The point to be ascertained is, whether the Ryots are likely to be benefited, or better protected than they were before. But the native servants, now vested with judicial authority, were the very persons who formerly practised extortion, and oppression, without it. If, then, the "simple and timid race" of Ryots were before averse to complaint, or dreaded its consequences, when independent tribunals were open and willing to receive their representations, is it likely they will be more prone to complain, or less fearful of its consequences, when the power of redressing their grievances is transferred to the hands of their oppressors? It is vain to lay stress on the sense of duty and integrity of the European collector. Good intentions are but feeble checks against the abuse of power, even with the best of men; but if collectors were unable to restrain the rapacity of their servants, when they were liable to be dragged for their misdeeds

before a court of justice, by what talisman are they to effect it, when extortion and judicial power are virtually committed to the same hands? With the judicial and police powers thus vested in Tehsildars, Zemindars, and heads of villages, how many oppressive acts may be committed under pretext of official duties, and which may never reach the ear of the most vigilant collector? But admitting collectors to be able and upright, as well as vigilant, are they more richly endowed in this respect than the judges, who are usually selected from among those most distinguished for talent on the civil list? Can a collector devote more, or as much attention, as a judge, to judicial investigations, when his time is, or ought to be, wholly occupied in revenue arrangements, in regulating assessments, and collecting the instalments of an intricate and oppressive Jumma? If Ryots, long habituated to oppression and exaction, submit in despair, dreading that vengeance which may follow complaint;—if their great distance from the seats of the Zillah courts, the loss of time, expense, delay, and even uncertainty of lawsuits, have hitherto proved a bar to complaints—are loss of time, delay, and expense, likely to be less because a collector, overloaded with other duties, is con-

verted into a judge? May not the collector's Cutchery be as far distant from the suffering Ryot as the Zillah court? And is not the uncertainty of an issue greatly encreased by an appeal to the revenue court? Whatever a collector's merits may be—however well disposed, or highly talented—his *chief* interest will not be, as supposed by the Revenue Board, “the welfare of those he governs;” but the realization, and increase, of the public revenue, as his surest road to preferment and fame. Under this impression, how easy is it for a crafty native extortioner, with local influence, artifice, and even false evidence at command, to mystify representations of abuse, —to persuade a collector of complaints being unfounded—of danger to the revenue from too ready an attention to complaint—or that complaint is only preferred to evade the payment of instalments overdue, or that arrears should be liquidated as a *sine quâ non* to its being received? In all these matters, the exercise of the collector's discretion is unrestrained. He is not bound to keep a record of his proceedings; and his decision, as we are informed by the Revenue Board, may be formed on much laxer evidence (*Vide p. 109*) than would be deemed conclusive in a court of justice. The obstructions, therefore, to the

main object in view—effectual protection to the Ryots—are thus multiplied instead of being diminished. In the hopelessness of redress, who would have the courage to complain? Oppression and exaction are borne as long as endurance is practicable; and the delusive tranquillity of submission and despair is thus but too often mistaken for symptoms of content, if not of increasing prosperity.

Down to the latest period to which the printed Indian records extend, we have no better account of the state of the Ryots in the interior provinces. Change after change has been attempted. From the Aumaneec system, or division of produce, to the farming system, the Zemindary, the Mootahdary, the Ryotwary, and the Mouzawary settlements, names only have changed. The fundamental principle, and operation, of the system have been invariably the same—an exorbitant revenue, with a numerous host of uncontrouled and uncontroulable servants to collect it. It has been urged, however, and may, to a limited degree, be admitted, that, in the hands of some collectors, the system has worked well; whence it is concluded that it ought to succeed in all cases, if collectors do their duty. The examples chiefly dwelt upon are those of Colonel Read in Bara-

mahl, and Colonel (Sir Thomas) Munro in the ceded districts. Colonels Read and Munro were unquestionably two of the most distinguished revenue servants that India has produced; and the provinces committed to their management, exhibited signs of tranquillity, and even of improvement, as long as they were administered by the superior energy, talent, and conciliatory demeanour of these remarkable men; but all collectors are not Reads or Munros; and unless our system be adapted to ordinary energies, and ordinary capacities, the benefits of one good administration may be wholly subverted by its successor. Proofs of this position abound in the Indian records, in reference, too, to countries which have been upwards of half a century in our possession; but — but what is more remarkable — the very provinces once administered by Colonels Read and Munro and where the success of the system is so often boasted to have been complete, *are the parts in which we now trace the most signal instances of failure, disorder, oppression and misery.* In *Vol. I. p. 451*, we have already seen what the state of Baramahl was in 1821, on the evidence of Sir Thomas Munro himself; whilst the Revenue Board assures us, (*Vide supra, p. 118.*), that this province suf-

ferred more, from the speculation and corruption of native agents, even than Coimbetoor. Of the ceded districts we have the testimony of the collector of Bellary, and of the Revenue Board, as to that province being in much the same state of disorder and crime. In 1810, it is stated, that ever since the year 1806-7, on the departure of Colonel Munro, over-exaction pressed so hard on the Ryots — “many of them formerly substantial farmers “ who paid very high rents to Government,” — *as to have driven several thousands from their homes and connections, and forced them to migrate into Mysore.* Neither have we any reason for supposing that the evil has been since abated ; for in 1820, the abuses of native public servants are again forcibly pressed on the attention of the authorities at the Presidency. The collector, in reporting the progress he had made in reducing assessments, urgently solicits that he may be vested with powers to protect the Ryots from the exactions to which they were then subject, and to punish bribery and corruption among his servants, and because also, as he observes, *what is remitted by Government will otherwise be collected from the Ryots both by the servants of the Cutchery, and those of the villages.* In 1821,” it is further added, that the collector’s repre-

sentations on this head are “confirmed by
 “the observation of every criminal and cir-
 “cuit judge, that a vast proportion of the
 “crimes committed in this district are per-
 “petrated with the knowledge, if not at the
 “instigation, of certain heads of villages, and
 “the village police.”*

This, then, is one of the effects—and a most important one—of our Indian financial system. To ascribe this mass of evils to innate depravity of character in the natives would be worse than puerile. Under the same circumstances, and exposed to the same temptations, there is no people on earth, whatever may be the colour of their skins, who would not fall into the same vices, or naturally adopt the same habits. It is the system itself which generates, matures, and perpetuates the whole evil. It commenced in error; it has been continued through a long train of oppressive exactions, which our ablest servants have laboured in vain to alleviate; and it finally fixes its hapless victims “to the galling oar
 “for life.” It counteracts the ordinations of Providence, who called man into being to be blest with the fruits of his own industry. But

* Vide *Mad. Rev. Sel.* Vol. I. p. 544, and Vol. III. p. 565.

here he toils, as if in Egyptian bondage, for others' benefit. Doomed to exist in unimprovable poverty, he sows in wretchedness, and reaps despair.

SECTION VI.

Effects of the System on the conduct and views of Collectors. Hasty additions to the Public Revenue. Sacrifice and violation of private rights. Compulsory surrender of property.

ALTHOUGH the European collectors in India are, I believe, universally free from the charge of corrupt dealing, there is one effect produced on them by our peculiar financial system which must here be noticed. Every collector in India feels, that to increase the revenue committed to his management will be his strongest recommendation to the favour of the higher powers at the Presidency. This increase, commonly called "improvement" can only be drawn from the land, or its occupants; for there are none other to pay it. Some collectors prosecute this object more judiciously than others; still it is the aim of all;

whilst some young and inconsiderate persons, misled by interested advice, or fancying they have discovered, in the fabricated village accounts before described, hidden sources of revenue, have pledged themselves to a large and immediate encrease of the aggregate amount. The encrease is realized from an unresisting tenantry in the first year; but, in the next, the fallacy is detected. The Jumma falls greatly short even of the old standard; and the Ryots, when called upon, say, and perhaps justly, “ You robbed us of every “ chattel we possessed to make good the en- “ creased Jumma of last year, we have no- “ thing more left to give, but our persons, “ which are also in your hands.” These crude and visionary attempts have been justly condemned by the Court of Directors, and even punished by the authorities abroad. In the mean time the sufferers are unredressed. The mischief is simply ascribed to the ignorance or inexperience of the collector; but no one thinks of seeking for it in the tendency of the system itself to generate evil projects of this nature. When Sir Thomas Munro, perhaps the best and the most popular of the Madras collectors, raised the revenues of the Ceded districts, by a series of skilful measures, from 15 to (as he supposed)

18 lacs of Pagodas (*Vol. I. p. 491.*), he pledged himself that this amount would be realized from the country, without difficulty, in all time to come. It is clear, however, that he had strained the revenue to the highest pitch, and to more even than the country could permanently bear; for the pledge was not redeemed. In the year 1808-9, Col. Munro's estimate was attempted to be realized; but, in the following year, so signal was the failure, that the actual collections are computed to have fallen short of Col. Munro's standard by from two, to two and a half, lacs of Pagodas.*

The official records also apprise us that this disposition, on the part of the provincial authorities, is often accompanied by "an ill-judged, but not unnatural solicitude to represent the districts (under their charge) in the most favourable state possible." That this is natural enough, no one can doubt; but its dangerous tendency is equally manifest. It induces persons to postpone the communication of untoward events, the evil of which may be greatly aggravated by delay; some-

* Vide, *Vol. I. p. 491-494.* It may be added, that Col. Munro himself never collected 18 lacs of Pagodas from the ceded districts. His highest collections in 1804-5 were 1 787,081 Pagodas, (714,832*l.*) whilst the average collections, for the whole period of his management were only 1,494,271 Pags. (597,708*l.*)

times to the suppression of important information ; and sometimes to actual misrepresentation of facts. No provision exists, or perhaps can be devised, to guard revenue boards, and governments, at a great distance from the scene, against being misled by the operation of propensities which may thus be said to arise out of the very laws and frailties of our common nature. The authorities at the presidency must depend, in all cases, on the official reports of their provincial officers ; except where error, inexperience, or misrepresentation, may be too obvious to be concealed.

Mark, then, the immediate consequence. Those who patronize, or favour, the system, have a natural interest in its success. Schemes of taxation are enforced which prove, in operation, utterly subversive of the hopes and industry, on which prosperity can alone be founded. In the famed Ryotwar settlement, for example, we have seen interference with the affairs and pursuits of every individual, tantamount in evil to domiciliary visits ; that fields were allotted to each Ryot, which he was compelled to cultivate, or for which, at all events, he had to pay the full rent ; that in every year the state of his cultivation, and circumstances, was enquired into, with a view to

assessment ; that remissions were not allowed, except in cases of great and notorious calamity ; that if the crop fell short, even of the seed sown, still the full revenue was demanded ; and if, after the severest scrutiny into his affairs, including distrainments, he was found unable to pay, a more fortunate neighbour was called upon to make good the deficiency. If the Ryot, overwhelmed by difficulty, absconded, he was pursued, seized and brought back to his unprofitable task. Although these principles may not be so distinctly avowed in the other, as in Ryotwary settlements, the practice is nevertheless the same. The Jumma of a province being fixed, the collector is naturally anxious to realize it *in toto*, to establish his credit with Government, and the Revenue Board. The Tehsildar knows that if he is backward in the realization of his portion, he is liable, not only to the anger of the collector, but to loss of place. The same feeling pervades all the inferior collectors. *Per fas aut nefas* the revenue is accordingly collected ; and when defaulters cannot pay, it is taken from those who can. Under these circumstances, it may not unfrequently happen, that a people long accustomed to the keenest oppression, will be comparatively tranquil and contented under the

administration of a patient and considerate collector, and that encreased cultivation, with encrease of the people, will be extended to waste lands ; but, however delusive and flattering this may be to the mind of the collector, it proves nothing in favour of the system. The principles of the system remain unchanged. The only advantage to the Ryots consists in the difference between a conciliatory collector, and a severe, a negligent, or an ignorant one. A bad collector, following a good one, will do ten times more harm than his predecessor had done good. The system itself is thickly sown with the seeds of pure evil ; and universal poverty, and demoralization, are its bitter fruits.

Of the effect of the system in stimulating collectors to encrease, to its utmost stretch, the revenue committed to their charge, as well as to interfere with individual rights and pursuits, some instances are given in *Vol. I.*,* and many more might be quoted. Another example is here added, because it is one of the most successful attempts of the kind on record ; and having been highly approved by the higher authorities, may therefore be considered as exhibiting the most favourable view which can be given, in this respect, of a collector's official labours.

* *Vide particularly, p. 388 to 404.*

In the province of Bundelcund, which the reader will recollect was ceded to the Company in 1805, (*Vol. I. p. 395*) the same revenue and judicial arrangements were introduced as into the other “Ceded and conquered provinces.” The revenue was settled for triennial periods. The first of which terminated with 1808-9; the second period with 1811-12; and the third period with 1814-15.

	Rupees.*	£ sterling.
The Jumma of the last year of the first triennial period was . . .	2,501,331	or 312,666
Ditto second ditto . . .	2,902,846	„ 362,855
And this last Jumma was continued throughout the third triennial period; but in 1815-16 the collector be- thought of an increase. In that year it was suddenly raised to . . .	3,695,090	„ 461,886
A quinquennial, but annually increasing, settlement was then effected, giving an average for the whole period of per annum . . .	3,719,790	„ 464,724

This, therefore, was an increase on the Jumma of 1814-15, or the second settlement, of 816,944 Rupees (nearly 22 per cent); and on the first settlement of 1,218,459 Rupees, or upwards of 32½ per cent. At this time, it was distinctly acknowledged that the lands in Bundelcund were the private property of individuals.

* The value of the Sicca Rupee in the Company's accounts is 2s. 5d., its intrinsic value 2s. 0½d.

Ask then the landed proprietors, of this country, what their feelings would be, if, after having their estates taxed on the principles of an Indian survey, that tax was suddenly to be raised 32 or 33 per cent. But these are deemed meritorious acts in India, when the tax is expected to be quietly realized. We accordingly find, in the instance of this quinquennial settlement, that although the Government were at first startled at the vast and sudden increase of the Jumma; yet finding, as they observe, that the “resources of the several “estates were *estimated** with care and skill, “and the revenue on each allotted with due “discrimination,” the settlement was confirmed, the conduct of the collector highly applauded, and recommended to the particular favour of the Court of Directors; who, in reply, re-echoed the eulogies of the local Government, and expressed their great satisfaction at this acceptable addition to their annual receipts.†

Now there are only three inferences which can be drawn from the preceding fact.

Either this increase of revenue (*if it ever was realized*) must have absorbed the little

* The reader will observe that this arrangement was like all others, founded on an *estimate* of resources.

† Beng. Rev. Sel. Vol. III. p. 473—484.

surplus which remained, from a previously oppressive tax, to the landed proprietors of the district.

Or, if the country were fully taxed before, it may have been the portion which Mussulman, or Mahratta, tax gatherers had, as usual, secretly reserved for their own benefit, and which our own native officers had not yet appropriated.

Or finally, if from mistaken confidence in our forbearance, the inhabitants had been induced to extend their cultivation, it may have been the surplus produce of this increase.

It is obvious that this additional revenue could only be derived from one, or other, of these resources ; perhaps from all ; but all are equally fatal to improvement. Their tendency is either to reduce landed proprietors, as under the Mussulman regime, to the condition of cultivating Ryots on their own estates ; or effectually to bar agricultural adventure ; for who would incur extra labour and risk, to have the profits of his enterprize engrossed by another ?

Other injuries arise from the vague and uncertain data on which these settlements are made, and their peculiar tendency to constant increase. A village, as it is called, is either a common property, or it is divided into several

separate estates. A principal proprietor or head man, as Zemindar, or as he is commonly denominated Malguzar,* is put forward by the other owners to negotiate with the collector. An aggregate annual sum of revenue is fixed with the Malguzar for the whole village ; and the owners left to regulate among themselves the quotas of each. Some are slothful, and allow portions of their estates to run waste ; others are industrious, and extend their cultivation. The difficulties of duly allotting specific portions of revenue to each are sometimes insuperable, and become a fruitful source of quarrel. The mode by which the deficiencies of defaulting Ryots are made good, namely, by a new contribution from the rest, is another source of animosity and disturbance ; and these causes lead to the most destructive feuds, to affrays, and sometimes to murders. The settlement being effected with one principal person, the whole village is considered by the collector as one estate. In the event of arrears of revenue, which, from its heavy amount, too frequently occur, the whole estate or village is brought to sale by the collector, or privately mortgaged to liquidate the

* *Malguzar* — A landholder who pays revenue to Government, whether as proprietor, Zemindar, farmer, or tenant.

arrear ; so that for the misconduct, or unavoidable failure, of a few, all the other owners, however industrious, or respectable, are absolutely ousted of their property. When the head man, or Malguzar, raises money on mortgage for the liquidation of arrears, the estates often fall into the hands of our own native officers, who soon contrive to convert the mortgage into a fee-simple. In this way the Serishtadar of the Court of Justice, possessed himself of estates in Bundelcund, of the annual revenue value of 70 to 80 thousand Rupees (10,000*l.*) Another officer of the Court obtained estates to the value of 24,872 Rupees (3109*l.*) ; and others to the value of 37,453 Rupees (4681*l.*) per annum. In some instances the Zemindar, or Malguzar, himself falls purposely in arrears, that the whole estate may be sold, which he then purchases at the sale. The whole estate thus becomes his own, is registered in his name, and the other owners are actually reduced to the condition of mere tenants at will. Meanwhile the collector is probably unaware of the individual rights which are thus sacrificed. His mind is chiefly bent on the punctual realization or “improvement” of the revenue ; and the grossest injustice is thus often committed under cover, nay ge-

nerally under a self-conviction, of zeal to promote the public interests.

Whether this particular “improvement” continued to be realized in future years from the province of Bundelcund, or whether it was followed by the usual consequence, before adverted to, (*vage 134.*) of subsequent lamentable defalcations, and popular distress, the printed records do not inform us ; but the instances on record of hasty attempts at “improvement,” and subsequent fallings off, are numerous. In other parts of the “ceded and conquered provinces,” we have some remarkable examples. Quinquennial settlements, it will be recollected (*Vol. I. p. 401.*) prevailed in these parts. In the settlement of 1813-14 to 1817-18, a large encrease of Jumma was reported as having been effected in Rohilcund, Bareilly, and Shahjehanpore ; on which the Bengal Government, and the Court of Directors, expressed, as in the case of Bundelcund, great satisfaction. But before the Court’s exultations could be received in India, the brilliant prospect had vanished. For the last two years of the quinquennial lease, the Bengal Government found that it was impracticable to maintain the full assessment. Owing to the progressive enhancement of demand, the balances of revenue

were progressively encreasing, and the receipts diminishing. The Bengal Government were therefore obliged to relinquish the enhanced or progressive assessment, expressing at the same time their apprehension that further reductions must be submitted to.

But a still more lamentable consequence resulted in these collectorships. It is officially certified that *owners of estates the annual Jumma of which amounted to 1,500,000 Rupees, (187,500l.) had, in despair, abandoned their property from utter inability to pay the* OVER ASSESSMENT.

A more cruel case of destitution can hardly be imagined. Hundreds, nay thousands, of landed proprietors, in different parts, are thus driven, by the overstrained zeal of aspiring collectors, to relinquish patrimonies which, in many instances, are more cherished by the possessors than life itself. Consequence, rank (for the meanest societies have their distinctions), official power, independence, and even the ordinary means of support, are sacrificed to an all-devouring Moloch, clothed in the garb of public revenue. But the misery of the suffering landlord, who lives to witness the arbitrary transfer of his hereditary rights, his place and power to another—to feel all the injustice of the act—to bear in

silence the consciousness of its being wholly undeserved—and to hear the daily lamentations of a family around him, whose wants he may no longer be enabled to relieve—is still not the fullest extent of the calamity inflicted. If the recusing proprietor be, as is generally the case, a *Malguzar*, or head man put forward as the representative of a village community, or of copartners in a joint estate, his place is supplied by a stranger—a merciless farmer, perhaps, of the public revenue,—who has no feeling for any one connected with the estate, and whose only chance of continuance in office, or of benefit to himself, lies in indiscriminate extortion. Extraordinary contributions are accordingly forced out of the joint owners, whose poverty compels them in turn to have recourse to the *Ryots*. But the *Ryots* have already supplied their last farthing to the exigencies of the state. According to a common saying of their own, “their skins only are left to them.” And thus by gradation, from rank to rank, the oppression descends in all its force through every branch of the community; for the revenue must, if possible, be realized; and attempts to enforce it are seldom, if ever, relinquished, until starvation, universal distress, and irrecoverable defalcations, proclaim

the dream of “ *improvement*” to be mere delusion.*

* The remarks of the Court of Directors on the transactions in Rohilcund, Bareilly, and Shahjehanpore, are very judicious, on which account I here subjoin them. The reader will also perceive in these remarks the spirit by which the revenue authorities in India are incited to the attempts so frequently made to augment the public Jumma—in other words, the effect naturally and necessarily produced on them by a system which it is not merely their interest, but made their prescribed and bounden duty, to carry into full execution.

Extract Revenue Letter to Bengal, dated 1st August, 1821.

“ We confess that the hopes raised by your preceding dispatches have not suffered the disappointment produced by the present intelligence without occasioning to us considerable uneasiness. Upon the quinquennial settlement of Rohilcund (1813—14 to 1817—18), we were induced by your representations to express our satisfaction at the expectation which appeared justly to be entertained of an increasing revenue; and in replying to your subsequent letter, 31st January, 1815, in our dispatch of the 2nd April, 1817, we had occasion, remarking on the quinquennial settlement of Bareilly and Shahjehanpore, to express similar satisfaction at the amount and stability of that settlement.

“ Before we had time to express our exultation at those flattering prospects, you had received accounts which entirely subverted the representation on which it was founded. In their letter, dated 24th February, 1817, the Board of Commissioners had informed you, that in consequence of

“ the progressive enhancement of the demand, the balances
 “ were progressively encreased, and the receipts were diminished, so as to induce the Government, at the suggestion
 “ of the Board, to authorize the relinquishment in Bareilly
 “ and Shahjehanpore of the progressive assessment beyond
 “ the demand of the year 1815—16.

“ It is not till the 4th July, 1817, that you inform us that
 “ it had not been found practicable to maintain the full assessment for the years 1816—17 and 1817—18 ; and you
 “ further intimated, that it might be found necessary, in
 “ carrying into effect the arrangements connected with Regulation XVI. of 1816, to make even further reduction.
 “ You indeed state, as an apology for the failure in your
 “ expectations, that the Zemindars had doubtless, in some
 “ cases, agreed to the enhanced demand, either in ignorance
 “ of the real capabilities of their estates, or in the prospect of
 “ enlarged culture, which their poverty, and the circumstances
 “ of the season, disappointed.

“ The paragraphs of your letter, dated 29th October, 1817,
 “ are wholly employed in directing our attention to the several topics of a minute, recorded by the acting junior
 “ member of the Board of Commissioners, Mr. Trant, on the
 “ revenue affairs of Rohilcund, which had been recently placed
 “ under his charge.

“ The first part of the minute of Mr. Trant relates to the
 “ state of the Jumma. The present Jumma of Moradabad (part
 “ of Rohilcund) is Rs. 2,778,440. The highest Jumma of
 “ the last settlement was Rs. 2,507,605. The present assessment, he affirms, is not too high ; yet he says that the
 “ *Jumma of estates resigned (that is, which their owners*
 “ *have relinquished rather than undertake to pay this as-*
 “ *essment) amounts to near six lacs (600,000l.), or more*
 “ *than one-fifth of the whole.*’ None but very vague
 “ grounds are stated for Mr. Trant’s opinion that the

“ Jumma is not too high. He confesses that the advanced
 “ state of the season when he entered the Moradabad dis-
 “ trict, prevented his making as much personal survey as he
 “ could have wished. He then gives, as the only remaining
 “ grounds, the inquiries which he had made, and the opinion
 “ of Mr. Lloyd, that the district would bear a Jumma of 32
 “ or 33 lacs. But when we find, as by the instance of
 “ Bareilly just mentioned, that even such a man as Mr. Deane
 “ is liable, when proceeding on those general indefinite
 “ grounds, to the error of excessive estimates, we cannot but
 “ lay a much greater stress upon the positive fact, that so
 “ great a portion of the whole landed property has been
 “ relinquished, than appears to have been laid by Mr. Trant.
 “ *The resignations in Bareilly are on a similar scale,*
 “ *amounting to near five lacs (500,000l.) of Rupees. In*
 “ *Shahjehanpore, the proportion of estates resigned appears*
 “ *to be much the same as in Bareilly, and for the same*
 “ *reasons.*

“ Mr. Trant allows, nevertheless, that some estates (and
 “ this he says is unavoidable) have been over-assessed; and
 “ we perceive that you have carried somewhat higher than he
 “ has done, the opinion of over-assessment. Mr. Trant ad-
 “ duces a number of reasons for the propensity of the col-
 “ lectors to raise the assessment too high. He calls it the
 “ ‘ over-zeal of the collectors, which however laudable in one
 “ ‘ point of view, is sometimes very prejudicial in another.
 “ ‘ It has long (he says) been determined, that the Putwary
 “ ‘ accounts, which are, in fact, the landholder’s own, are
 “ ‘ not generally worthy of credit. In point of fact, they are
 “ ‘ very little attended to by most collectors in forming a
 “ ‘ settlement. The collector, then, must seek his information
 “ ‘ from the Canongoes, and from persons and officers of
 “ ‘ government, who either have, or pretend to have, a know-
 “ ‘ ledge of estates. An active collector will make a personal

“ ‘ survey of many estates, and thus verify the information
 “ ‘ which he receives; but a man of the greatest activity
 “ ‘ cannot survey a whole district within the time allowed for
 “ ‘ settlement. Persons who furnish information are some-
 “ ‘ times actuated by improper motives (such as enmity to a
 “ ‘ landholder, or a desire to appear useful), and deliver an
 “ ‘ exaggerated statement of the produce. In this case, a
 “ ‘ collector with the best intentions may assess the Jumma
 “ ‘ too high, and the landholder having no option but an
 “ ‘ agreement to terms, which he knows are disadvantageous,
 “ ‘ or the total relinquishment of his estate, sometimes enters
 “ ‘ into engagements which he is sensible he cannot fulfil.’
 “ These are strong reasons for attending carefully to such
 “ important facts as extensive resignations of lands, and
 “ for cautiously adopting the opinions formed by collectors.

“ We cannot but regard the evidence involved in resigna-
 “ tions to the extent of one-fifth of the lands, as deserving
 “ more attention than it has received either from Mr. Trant,
 “ or from you. He adduces a few considerations to dimi-
 “ nish the force of that evidence — considerations which have
 “ made upon you a greater impression than they were, we
 “ think, entitled to make. He says, ‘ I have no doubt that
 “ ‘ by far the greater number of the landholders who have re-
 “ ‘ signed their estates, have done so, not because they were
 “ ‘ over-assessed, but because they hope to effect a reduction
 “ ‘ of the assessment.’ We can hardly entertain this view
 “ of the causes of these resignations, or think it probable that
 “ men would choose to put themselves in absolute want,
 “ rather than retain an estate which, according to Mr. Trant,
 “ is still a valuable possession. It is stated by Mr. Trant
 “ that, by some of the Zemindars in Bareilly who had resigned
 “ to the extent of 500,000 Rs., lands have been taken back
 “ to the amount of 80,000 Rs., that is, somewhat less than
 “ one-sixth; and from this you infer that the resignations

“ generally are not caused by over-assessment, but a desire to
 “ effect unnecessary reduction. There is, however, another
 “ inference from the non-perseverance in a few resignations,
 “ which cannot be regarded as much less probable,— viz. that
 “ men who are starving will take back estates on any terms,
 “ when they are sure of one, and more than one, year’s pos-
 “ session, with the prospect at worst of accumulating ar-
 “ rears, and of losing the estate by sale at the end of that
 “ period ; that is, of being in no worse condition after some
 “ years’ enjoyment than that in which they are already
 “ plunged by the resignation. We have directed your atten-
 “ tion to these considerations, because there is in Mr. Trant’s
 “ report, appearance of a desire to remove the suspicion of
 “ over-assessment, considerably, we think, beyond the evidence
 “ which he has adduced ; and because you appear to us to
 “ have participated not a little in his feelings. You will ob-
 “ serve that we do not conclude beyond the extent which
 “ you have admitted, that the misfortune of over-assessment
 “ has taken place, and of course we are desirous that the
 “ dues of government should always be fully realized ; but
 “ we are convinced, and we cannot express that conviction
 “ more strongly than it has been expressed by you, that
 “ nothing is less our interest, even in a financial point of
 “ view, than over-assessment, as the exhaustion of the peo-
 “ ple for a few years produces an inability for many years,
 “ to pay the Jumma, which previous to that oppression it
 “ would have been easy for them to pay. It is good policy,
 “ therefore, as well as justice and humanity, to err on the
 “ side of moderation rather than that of exaction.” — Beng.
 Rev. Sel. Vol. III. p. 448—50.

SECTION VII.

Subject continued—Public sales of estates to liquidate arrears of Revenue.

Fraudulent transfers. Abuses in the Revenue administration enumerated in the preamble to Reg. I. of 1821. Remarks thereon.

BUT the loss of property from *compulsory relinquishment* is still not the whole extent of the injurious effects of the system here to be deplored. Property to a vast amount seems also to have been sacrificed through the medium of *public sales* for arrears of revenue, and by fraudulent transfers effected under the influence, or with the connivance, of native public officers attached to the revenue, and judicial, departments. The iniquity of these transactions having forcibly struck the benevolent mind of Lord Hastings, a Regulation was passed, in his government, entitled Reg. I. of 1821, for the investigation and decision of certain claims to recover possession of land illegally or wrongfully disposed of by public sale; or lost through private transfers effected by undue influence; and for the correction of the errors, or omissions, of the proceedings adopted by the revenue officers in regard to the record and recognition of proprietary rights, and the ascertainment of the tenures, interests, and privileges, of the agricultural community.

The object of this Regulation, was to restore

the wrongful sales, and fraudulent transfers, above adverted to, to their original lawful proprietors. But the extent of injury, injustice, and oppression, inflicted by the operation of this particular part of our system, cannot be so well described as in the words of the Regulation itself, the preamble of which I here subjoin, in the conviction that the series of atrocities it enumerates could not be credited in this country, unless they were at once unanswerably and officially authenticated. The preamble is as follows :—

“ It has appeared, that in the first seven or
 “ eight years after the acquisition of the Ceded
 “ provinces by the British Government, the na-
 “ tive officers of Government, their relations
 “ connections, and dependants, taking ad-
 “ vantage of the novelty of the British rule,
 “ of the weakness and ignorance of the peo-
 “ ple, and in some cases of the culpable su-
 “ pineness and misconduct of the European
 “ functionaries, under whose authority they
 “ were employed, contrived by fraudulent
 “ and iniquitous practices to acquire very ex-
 “ tensive estates in several of the provinces
 “ in question, more especially in Allahabad,
 “ Cawnpore, and Goruckpore, thus wrong-
 “ fully depriving of their just rights a great
 “ number of the ancient landholders, and re-

“ ducing them and their numerous dependants
 “ to ruin and misery. These abuses have
 “ been chiefly practised through the perversion,
 “ to the purposes of chicanery and fraud,
 “ of the rules enacted for the collection of the
 “ government revenue, more especially the
 “ provisions relating to the public sale of land
 “ for arrears. Under cover of these rules, but
 “ contrary to the true intent and meaning of
 “ the law, by which (though a considerable
 “ discretion was left to the revenue authorities)
 “ the measure of a public sale was principally
 “ designed for cases of embezzlement, contumacy,
 “ or fraud, many estates were sold from which
 “ no balance (or a very trifling balance) was due,
 “ or on which the arrear accrued without any
 “ embezzlement, or wilful default, on the part
 “ of the Sudder Malguzar, and others were disposed
 “ of without an observance of the prescribed forms.
 “ In several instances, too, a recourse was had
 “ to the measure of public sale, without any proper
 “ ascertainment of the liability of the proprietors,
 “ or the fact of their being under direct engagements
 “ to Government. Thus some estates would appear
 “ to have been brought to sale for arrears, although
 “ the parties responsible to Government for the revenue
 “ held only a very limited in-

“ terest in the Mehal* sold, or were persons
 “ possessing no fixed right of property therein,
 “ who had been recorded as proprietors and
 “ admitted to engagements on the faith of
 “ fraudulent and abusive statements ; and
 “ some appear to have been sold, of which
 “ the Tehsildars had themselves retained the
 “ immediate management, the ostensible Mal-
 “ guzars being creatures of their own, or names
 “ purely fictitious being entered on the records.
 “ Under such circumstances sales were often
 “ effected through the misrepresentations of
 “ the Tehsildars, made in collusion with the
 “ recorded Malguzars, for the purpose of ac-
 “ quiring, for one or other of the parties, an
 “ ostensible title to the property by purchase
 “ at public sale. In like manner there is rea-
 “ son to believe, that persons erroneously re-
 “ corded as the sole proprietors of Mehals,
 “ in which they possessed either no fixed pro-
 “ perty or a very limited interest, have in se-
 “ veral instances been induced fraudulently
 “ to execute deeds of sale in favor of public
 “ officers of Government, their relations or
 “ dependants, purporting to convey the ex-
 “ clusive property of the lands 'comprised in
 “ the Mehal, for which they were under

“ engagements, and that on the faith of such
 “ deeds, the purchasers have been recorded
 “ as the sole proprietors thereof. In almost
 “ all these cases, the purchasers whether by
 “ public or private sale, taking an illicit ad-
 “ vantage of the ignorance of the village
 “ occupants, and of their unacquaintance
 “ with the Regulations and the forms of
 “ judicial practice, have effected an extensive
 “ usurpation of private rights, and the con-
 “ sequent annihilation of institutions by which
 “ the village communities have immemorially
 “ been regulated. There is reason to believe,
 “ that the same evils have very generally
 “ occurred in all cases of sale for the recovery
 “ of arrears, even where the transfer of the
 “ estate, held by the alleged defaulter, was
 “ legal and valid, the purchasers having
 “ usually claimed to possess the whole of the
 “ lands comprized in the Mehal sold, with-
 “ out being subject to any of the restrictions
 “ and conditions arising out of private rights
 “ which attached to the estate of the defaul-
 “ ter, and having frequently succeeded in
 “ establishing such claims to an extent not
 “ warranted by law. Thus in almost every
 “ Mehal sold in liquidation of arrears of
 “ revenue, many village Zemindars, Puttee-

“ dars, and other proprietors, though in no
 “ degree parties to the engagement of the
 “ defaulting Malguzar, and holding under
 “ tenures of such a nature as not to be affect-
 “ ed by the sale of the estate possessed by
 “ such defaulter, further than that by such
 “ sale the obligations of the under tenants
 “ towards the defaulter are transferred to the
 “ purchaser, have been deprived of their just
 “ rights, and either ousted from the lands or
 “ reduced to the condition of tenants at will.
 “ There is further reason to believe, that in-
 “ dependently of cases of abusive alienation,
 “ the village Malik and others have in many
 “ cases sustained serious injury through the
 “ insufficiency of the inquiries instituted by
 “ the revenue officers in regard to the tenures
 “ by which land, and the rights connected
 “ with land are held, and from the errors and
 “ defects of the public records relating to
 “ such matters. That in consequence of such
 “ errors and defects many persons justly en-
 “ titled to engage in chief for the revenue of
 “ the lands occupied by them, have been ex-
 “ cluded from engagements in favour of per-
 “ sons erroneously recorded as proprietors ;
 “ and that the real nature and extent of the
 “ interests actually possessed by different in-

“ individuals, and classes being ill ascertained
 “ and defined, great facilities have been af-
 “ farded to chicanery and fraud, which have
 “ led, and are likely still further to lead, to
 “ consequences greatly injurious to indivi-
 “ duals, and seriously affecting the peace and
 “ good order of the country. The persons
 “ who have suffered by the aforesaid abuses
 “ are, for the most part, poor and ignorant
 “ men, unaccustomed under the former go-
 “ vernment to any regular system of law,
 “ little acquainted with the principles of the
 “ British code, or the regular forms of British
 “ judicial proceedings, incapable of availing
 “ themselves of the protection it was designed
 “ to afford, and possessing not the means of
 “ securing the aid of individuals better in-
 “ formed ; while those opposed to them are,
 “ for the most part, men of wealth and power,
 “ who acquired their possessions through the
 “ influence of official station, and by an
 “ abusive exercise of the authority vested in
 “ them as officers of government, who are
 “ well acquainted with all the forms of law
 “ as administered in our Courts, and who pos-
 “ sess ample means of securing the retainers
 “ of the Adawlut in their service. These,
 “ indeed, are themselves generally supposed
 “ to be much interested in maintaining the

“ sales in question, and in supporting all the
 “ claims of the purchasers, and the Sudder
 “ Malguzars. Moreover, in all suits brought
 “ to annul sales made for the recovery of
 “ arrears of revenue, the collector, on the part
 “ of government, must be made one of the
 “ defendants, in the case along with the pur-
 “ chaser, and various other forms must be ob-
 “ served which are likely to defeat the just
 “ claims of the ousted proprietors. The prose-
 “ cution, too, in the ordinary course of regular
 “ suits in the Adawlut, necessarily involves
 “ considerable delay and expense ; requiring,
 “ besides a long attendance at the Court, the
 “ payment of various fees, the employment
 “ of Vakeels, and other expences which would
 “ alone operate greatly to prevent the com-
 “ plainants in question from seeking redress
 “ in that manner, even if the cases were such
 “ as to admit of easy decision by the regular
 “ tribunals. But the investigation of the
 “ abusive alienations and usurpations in ques-
 “ tion will apparently require a thorough re-
 “ search into voluminous and complicated re-
 “ venue accounts, minute local inquiries, and
 “ a free and constant communication with
 “ the parties concerned, and with the local
 “ officers, and an active inquiry into all the
 “ circumstances of the transactions without

“ reference to the mere points stated by the
 “ plaintiffs, such as the constitution of the
 “ established courts would not admit of their
 “ pursuing. Besides, the existing regulations
 “ do not vest the civil courts with so exten-
 “ sive a discretion in the adjustment of doubt-
 “ ful claims, and in the relief of parties suf-
 “ fering hardships, as the cases in question
 “ appear to demand. Further, the regula-
 “ tions applicable to the provinces in ques-
 “ tion, having been necessarily founded on
 “ incomplete information, are in many re-
 “ spects defective ; so that several points
 “ requiring a distinct declaration of the views
 “ and intentions of the legislature, relative to
 “ the privileges designed to be vested by a
 “ settlement in the Sudder Malguzar,* or con-
 “ veyed to the purchaser by a public sale, as
 “ well as in regard to the extent of the autho-
 “ rity vested in the revenue officers in de-
 “ ciding on the mode in which the public
 “ revenue is to be managed or collected, still
 “ remain to be settled, and cannot yet be
 “ settled by a general legislative enactment
 “ without risk of error. The proceedings of
 “ the established courts must necessarily par-

* Head farmer, or proprietor, or representative of pro-
 prietors, of a joint estate. *Vide pages 143 and 186.*

“ take of any defects belonging to the law
 “ which it is their duty to administer ; and
 “ it would be obviously inconsistent with
 “ every sound principle to grant a general
 “ discretion to those courts to deviate from
 “ the law on individual views of expediency
 “ or justice. The established courts con-
 “ sequently are not so constituted as to pro-
 “ vide an adequate remedy for the evils above
 “ specified, which can be completely cor-
 “ rected only by a tribunal exercising a larger
 “ discretion, and acting in more immediate
 “ communication with the government, than
 “ could with propriety be allowed in the case
 “ of the courts established for the general ad-
 “ ministration of civil justice. Even, too, if
 “ these courts were so constituted as adequate-
 “ ly to provide for the trial and decision of the
 “ cases in question, yet the duty could not
 “ be completed by them for a long period of
 “ time without an entire interruption of their
 “ ordinary functions ; while the parties injured
 “ are equally incapable of supporting the ex-
 “ pense of protracted litigation in the Adawlut,
 “ and of defending themselves in that course
 “ of proceeding against the arts and intrigues
 “ of their powerful adversaries. In considera-
 “ tion of the above circumstances, it has ap-
 “ peared to the Governor-General in Council

“ to be essentially necessary to the ends of
 “ justice, that a special commission with large
 “ discretionary powers, and with full autho-
 “ rity to regulate its proceedings according to
 “ the exigencies of the cases brought before
 “ it, should be constituted for the purpose of
 “ investigating the cases above described, of
 “ restoring to their just rights the Zemindars
 “ and other proprietors who have been wrong-
 “ fully dispossessed, of defining and fixing the
 “ real nature and extent of the interests and
 “ title conveyed to the purchasers in cases in
 “ which sales may be upheld, of restoring pro-
 “ prietors whose estates may, in consequence
 “ of the errors in the administration above no-
 “ ticed, have been transferred to another on
 “ account of a trifling balance, or for a trifling
 “ consideration, making due compensation to
 “ the present possessors, of granting redress
 “ to persons who may have lost the possession
 “ or management of the estates without just
 “ cause, under the operation of a public sale,
 “ or through any act of a revenue officer, or who
 “ may have been wrongfully excluded from en-
 “ gagements with government, and of making
 “ an equitable adjustment of doubtful claims,
 “ including the relinquishment upon due com-
 “ pensation of rights acquired or held under
 “ the strict operation of the law by means in-

“ consistent with equity and justice, or involving excessive hardships to the sufferers.”

From this preamble, two conclusions are obvious, as to the effects of our Indian financial system. First, it proves the utter inefficiency of our institutions, revenue and judicial, to protect property and private rights; and gives the reasons of the local authorities, and servants abroad, for vesting judicial powers in the hands of revenue servants. And, secondly, it establishes the fact of facilities being afforded for the commission of frauds, amounting to virtual confiscations of property, by the public officers of Government, to an extent of atrocity which, without the certificate of the highest official authority, could scarcely be credited. This regulation was accordingly enacted, constituting a Board of Commissioners, denominated “Mofussil Commission,” to inquire into, and redress, the evils above described. From the decisions of the Mofussil Commission, an appeal lies to a superior tribunal, denominated “Sudder Commission;” and from the Sudder Commission, in certain cases, to the King in Council. The benevolence of the intention is manifest in this, as in various other acts, and documents, of Lord Hastings’ government; but it may be questioned how far it was either just, or politic, to re-disturb

proprietary rights, and possessions, which our own laws, for a series of years, had in many instances created, in others sanctioned, and in all recognized. The original robbers (for they deserve no better name) may have appropriated the lands above described in utter contempt of the undeniable rights of lawful proprietors; but if it be an axiom of civil jurisprudence, that the injustice of the original appropriation does not affect the justice of the tenure, provided that it has been sanctioned by the state, or permitted to acquire the qualities of security and transference, it may be apprehended that this Regulation, however benevolently intended, is more likely, in its operation, to be considered another act of arbitrary power, rather than of retributive justice—in other words, an attempt to remedy one system of confiscations by actually legalizing another. It is true that the Bengal Government proposed, and even ordered, that compensation should, in all these cases, be given to the party disseised, proportioned to the value of his interest in the property resumed. But who were the parties to settle and adjudge compensation? Persons who neither knew, nor ever can know, the real value of the property to be resumed; and who, in addition to the errors of ignorance,

may often find it impossible to satisfy its possessors, by any thing like an equitable pecuniary consideration, for the loss of what they are often more attached to than to life itself.

SECTION VIII.

Attempts of Government to encrease the public revenue by resuming rent-free lands, and lands supposed to be fraudulently alienated. Opinions of the Court of Directors thereon. Different view taken by the Bengal Government, and power of deciding cases of this description vested in Revenue Collectors.

BUT to return to the particular effects of this system in inducing augmentations of the public land revenue. The infectious rage of "improvement" is not confined to collectors, and revenue commissioners, alone. It sometimes takes a like hold of the higher authorities, notwithstanding their unqualified condemnation, on other occasions, of the operation of our fiscal system, and of its peculiar tendency to induce enhancement of demand.

When the permanent settlement was introduced into the Bengal provinces, it will be recollected that it was part of Lord Cornwallis's plan to give up to the Zemindars *all* the waste or uncultivated lands appertaining to their estates tax-free; that it might encourage them to extend their cultivation, so as thereby to lighten the pressure of a disproportionate im-

post, which the necessities of Government, and the orders of the Court of Directors, obliged him to lay on the cultivated parts. Of the extent or quality of these wastes it is quite true that nothing at the time was known; but Lord Cornwallis avowedly despaired of acquiring accurate knowledge on this head; and thought it better to give up these lands, without reserve, to the Zemindars, rather than to prosecute further useless and harassing enquiries. In process of time, more knowledge was obtained of the vast extent, and even fertility, of these wastes; and when it was also discovered that Zemindars were enriching themselves, by causing their untaxed wastes to be extensively cultivated, it seems to have excited a notion that the Zemindars had got too good a bargain. Good or bad, however, the bargain had been made, and so binding were its terms, that both the Court of Directors, and the Bengal Government, were fully sensible that, in justice and good faith, it ought not to be disturbed.

Subsequent enquiries had moreover led to the discovery, or at all events to the belief, that lands, both cultivated and waste, were included within the limits of particular estates, without being accounted for to Government at the time of the perpetual set-

tlement. Lands of this description are particularly noticed in Lord Moira's Minute of Sept. 1815, under the denomination of Toufer or Toufeer lands (*Vol. I. p. 593.*) But if we were deceived on this occasion, we were ourselves willing parties to the deception, by a voluntary grant of the estates in perpetuity, for a fixed sum, under avowed ignorance of their value, and of their specific contents.

It will also be remembered that at the time of introducing the permanent settlement (1793), lands of considerable extent were held free of revenue, and supposed to have been alienated under fraudulent grants. Some attempts were made at the time to ascertain the real merits of these alienations, but miscarried. They were afterwards renewed, for we find, that in 1815, commissioners had been appointed, in various parts, to investigate and resume illegal alienations, and to assess such wastes as it could be ascertained were not included in the original allotment of estates in 1793. One of the commissioners, Mr. Salmon, in the province of Baugulpoor, reports, in 1817, the difficulties by which he was surrounded. The Zemindars laid claim to the wastes, as being included in their assessed estates; and so vague and inaccurate (he observes) were the terms of the Permanent Settlement, so

loose and improvident the manner in which it was performed, and the village registers affording no information as to the quantity of the land belonging to each estate—what part was cultivated, and what waste—or what were the respective boundaries of each—that the commissioner thought he had no alternative but to recommend to Government, that all lands, however usurped, which had been taken possession of to any useful purpose, should be resigned to the Zemindars; whilst such waste lands as remained, in every practical sense of the word, unoccupied, should be declared, by virtue of the Mahomedan law, the property of Government, and without further ceremony appropriated; unless the Zemindar could prove that the land in question was comprised in his estate at the time of the perpetual settlement. But it is an ascertained fact that there is not a foot of land, in the long settled districts of India, that is not the claimed, and probably the lawful, property of some individual, or of some village community; and every Zemindar naturally concludes that his estate embraces every portion of the land, whether cultivated or waste, that ever did belong to it. The proposition of the commissioner went therefore obviously to reverse the principles of equity: to pass judgment, and to execute

it, not only before proof of wrong, but without even the forms of trial; and then to throw on the aggrieved party the onus of redressing himself; this, too, in a case where his accuser had found insurmountable difficulties, in the way of his own proceeding as a prosecutor. When this proposition was afterwards acted upon by the Bengal Government, and the decision on these cases vested in the revenue authorities, subject to an appeal to the established courts of judicature, the Court of Directors very justly observed on it—"What you have done is
 " to constitute yourselves, by your own act, defendants instead of plaintiffs; and that, in
 " each instance, preceded by the material circumstance of the extra-judicial and arbitrary dispossession of a man from a property
 " which he had been accustomed to enjoy and regard as his own." They also disapproved the measure on the grounds that a principle of Mahomedan law ought not to be applied to Hindoo property.*

Meanwhile considerable difficulties had been experienced in resuming, and assessing, free lands in, and bordering upon, the Sunderbunds. The Zemindars, whose rights, or pretensions, had never been questioned since

1793, laid claim to the unassessed lands without reserve, declaring them to be included in the original grant of their estates, but refused to produce papers from which evidence on the subject could be drawn. On one occasion, three Purwanehs (grants) were produced, given by the collectors in 1792-3, which purported to fix the Jumma in perpetuity for the land, both cultivated and waste; but in general the required documents were either withheld, or not in being. To ascertain the exact boundaries of estates was therefore not practicable; and the commissioner (Mr. Scott) reported, that, without greater powers, his commission would only prove an useless expence, and had better be abolished. Mr. Scott shortly after resigned from ill health; and was succeeded by another commissioner, who had effected little, up to July, 1818. Inquiries, however, were still prosecuted; but the Bengal Government, doubting, perhaps, the entire legality of their own proceedings, observe thereon, that they had now “ confined “ themselves to the mere assertion of the right “ of government to derive a revenue from the “ land, without touching on the more intricate question of property.” The operation of the measure was, however, pretty widely extended, as it embraced the provinces of 24 Pergunnahs, Nuddea, Jessore, Dacca, Jelal-

pore, and Backergunge.* The Revenue Board recommended the resumed lands to be assessed at half a Rupee per Beegah, but the Bengal Government thought this an inadequate rate, and that “one Rupee per Beegah did not exceed the just amount of the public dues.”

In like manner, the commissioner in Behar and Benares, Mr. Deane, experienced the same difficulties as in other parts. He also reported the unassessed lands to be every where claimed as belonging to certain estates. The right, in these cases, became a question for the Courts of Judicature; but 70 suits in one district having been instituted in one year, and as many more about to be instituted, whilst two only were decided in the course of the year, it followed that decisions could hardly be expected, on the whole, in less than half a century. Mr. Deane accordingly recommended the appointment of a separate court, and judge, for the trial of this particular class of causes. The Court of Directors were disposed to approve this proposal, expressing at the same time their opinion, that a real judicial enquiry should, in all cases,

* Reg. XXIII. of 1817. Vide Beng. Rev. Sel. Vol. III. p. 103 and 121; and ib. Reg. VII. of 1822, p. 380.

precede resumption;* but the Bengal Government had imbibed the favourite notion that the forms and delays of the Courts of Justice were ill calculated for the decision of revenue causes; and that it would be much more conducive to the public interests (that is, to the realization of the public revenue) to place this branch of the judicial power in the hands of the collectors,—in other words—in perhaps nine cases out of ten, to make the claimants judges in their own cause.

Regulation II. of 1819 was accordingly passed, to modify the provisions contained in former regulations for resuming the revenue of lands held free of assessment under illegal or invalid tenures; and to define the right of government to the revenue of lands not included within the limits of estates for which a settlement has been made. By this regulation, or law, the collector is himself to judge in the first instance of the cases of this description.

* The Court of Directors were also averse to the resumption or assessment of lands in the Sunderbunds, when even a plausible claim to exemption could be set up by Zemindars, or Talookdars, on the faith of the permanent settlement; but with a liberal allowance on this score, they anticipated that a large tract of uncultivated country would still remain at the disposal of Government.—Letter to Beng. 11th June, 1823.

requiring investigation. He is then to proceed in the enquiry with, or without, the concurrence of the opposite party, to collect evidence, examine documents, &c.; and having completed the enquiry, to transmit his proceedings, with his opinion thereon, to the Board of Revenue, who are to review the proceedings, and after due notice to the parties, and receiving, if necessary, further evidence, to pass final judgment in the case. Against this judgment the aggrieved party may appeal to the Courts of Judicature, on giving security, in the interim, for the payment of the revenue, and instituting the suit within a limited number of days.

The Regulation consists chiefly of the forms to be observed in prosecuting these enquiries. From the little knowledge acquired of the precise nature of landed tenures, and the vague and unsatisfactory terms of the permanent settlement, there are no fixed rules or principles laid down by which the decision of the revenue authorities is to be guided. Minute inquiry is enjoined ; but much is left to the collector's discretion, and natural sense of justice ; for the Revenue Board, far removed from the spot, must, in their ultimate decision, be mainly guided by the collector's proceedings ; and unless we can suppose the virtue of collectors in India to be far more perfect than in any other

part of the world—with their credit and future promotion greatly depending on the “improvement” of the public revenue—with their time fully occupied in other revenue details—and with no land-marks, as it were, to direct their steps through cases, many of them of labyrinthian intricacy,—it is impossible not to be persuaded, that many of their judgments will be either biassed, or hasty, or such, at least, as the land-holders themselves will deem a violation of the pledged faith of Government and of their own individual rights.*

The Bengal Government, however, continued to be of opinion that it would not be advisable

* The judge and magistrate of Moradabad having given an official opinion on this regulation, and his observations having attracted the particular notice of the Court of Directors, the same are subjoined, on account of their importance, in the following extract from the Court’s letter to Bengal of the 11th June. 1823.

“ We find in your consultations, dated 24 November, 1820, a paper by N. J. Halhed, judge and magistrate of Moradabad, setting forth the insufficiency of the provisions made by Regulation II. of 1819, for the purpose of resuming rent-free lands, and recommending a course of proceeding which he regarded as better adapted to the end. There are several points in the representation of Mr. Halhed, which induce us now to communicate to you some of the reflections which they have suggested to us.

“ One of the circumstances which appears to us particularly

to disjoin the duties of a collector, in so far as they regard the adjustment and collection of

“deserving your attention is the number of cases requiring
 “decision. Mr. Halhed says, that ‘in the smallest col-
 “‘lectorate in the upper provinces, there are not less than
 “‘6000 claims (meaning claims of one description alone,—
 “‘viz. those to hold rent-free lands) to be decided on. In
 “‘many, such as Seharunpore and Meerut, Allygurh and
 “‘Cawnpore, there are at least 10,000 claims to be received;
 “‘in Moradabad, certainly not less than 20,000.’ We can-
 “not suppose that Mr. Halhed would make this assertion
 “without adequate grounds: and if it but approach to the
 “truth, it must occur to you, as it did to him, that between
 “this enormous mass of business, and the means provided for
 “the proper discharge of it, there is a lamentable dispropor-
 “tion.

“Mr. Halhed asserts, what may be too certainly inferred
 “from other sources of information, that ‘in favour of these
 “‘claims, a great mass of bad evidence will be adduced, the
 “‘falsity of which it will be very often not easy to detect.
 “‘In this country, great facilities are afforded to forgers of
 “‘public documents of all descriptions.’ In the declining
 “‘days of the Mogul monarchy grants were made with very
 “little consideration, by the princes of that house, of lands
 “in parts of the country where they had no more than a
 “nominal sovereignty. Mr. Halhed adds, ‘In this country
 “‘it is easy to procure the signature or seals of as many
 “‘evidences as are required to any document, true or false,
 “‘provided they receive a very trifling sum.’ *All registers
 “and records are in the highest degree imperfect.* On this.
 “subject, he observes, that the Regulations direct that a
 “registry of rent-free lands should be filed in every collector’s

the revenue, and the determination of summary suits regarding land and revenue ; for each as-

“ office, but that he had never been able to obtain the requisite degree of information, which those lists ought to contain in any of the revenue offices. ‘ There are books (he says) in each collector’s office, containing the abstracts of the deeds by which the occupants of rent-free lands claim to hold them ; but it would take years to examine them before a summary of the whole could be drawn out. The aggregate amount of land in Beegahs is not to be ascertained from the existing documents in any of the offices ; and in consequence of the notorious chicanery of the Canongoes and Sudder revenue officers, it is unknown whether the present occupants hold more or less land than their several title deeds set forth. It is to be presumed that in most cases a far greater proportion of land than is specified in the documents produced has been surreptitiously retained by all.’ The Tehsildars, Canongoes, and Sudder Omlah, who are bribed by the occupants, are interested in obscuring and perverting evidence. Mr. Halhed states that when the ceded and conquered provinces first came into our possession, the holders of rent-free lands crowded to the revenue offices, to present their documents, the greater part of which were forged or insufficient ; that the superior native officers, or Dewans, and their dependants, made vast acquisitions, by causing them to be entered in the books, and that one Dewan was said to have carried off 30 lacs of Rupees realized in this way, and that his successor was reported to have taken with him no less than 20 lacs so acquired in a few years, which sums, he was convinced, were not over-rated. Mr. Halhed further observes that ‘ the office of Dewan had indeed been done away ; but that the corrupt influence possessed by the people who

sists the other. The judicial powers, therefore, vested in collectors, were extended and con-

“ ‘ held that office, was but more widely extended and diffused
 “ ‘ among the whole of the revenue Omlah. He adds—
 “ ‘ to prevent investigation and inquiry, all that a spirit of
 “ ‘ chicanery, vice, and iniquity can suggest would be opposed
 “ ‘ to a collector. The offer of a handsome bribe would be
 “ ‘ the first attempt. As that would be refused, recourse
 “ ‘ would be had to forged documents and perjury, and an at-
 “ ‘ tack on the character of the collector would be made by
 “ ‘ petitions and representations to the superior authorities,
 “ ‘ teeming with that happy mixture of truth and falsehood
 “ ‘ which the natives of India are so clever in manufacturing
 “ ‘ to serve their own ends.’ *These are painful proofs of*
 “ *the insufficiency of your system of revenue administration*
 “ *for the prevention and detection of public abuses; but we*
 “ *notice them in this place as affording an instructive ex-*
 “ *position by which it is clearly shewn, that he who decides*
 “ *upon the claims to rent-free lands will have in most cases*
 “ *to find his way through an obscure and intricate labyrinth,*
 “ *with hardly any thing certain to direct his steps. These*
 “ *difficulties will be increased if he be not well acquainted with*
 “ *the native languages, and the character of the people, and*
 “ *conversant, from previous service in the revenue department,*
 “ *with investigations of this nature.*

“ In addition to these remarks upon the magnitude and
 “ difficulty of the business thus devolved upon the revenue
 “ officers, some of his other observations are well deserving
 “ of notice. He asserts that ‘ the duties of a collector, espe-
 “ ‘ cially in the upper provinces, demand his whole attention ;
 “ ‘ that the very first step towards a resumption of rent-free
 “ ‘ lands, namely, pergunnah lists, containing the name of
 “ ‘ the original grantee, that of the present occupant, the

firmed by Reg. VII. of 1822 ; but at this time it was discovered that the load of business

“ ‘ stated amount of the land, the quantity actually in pos-
 “ ‘ session, and an abstract of the title deed, have not in so
 “ ‘ long a time been entered upon by one of the revenue offi-
 “ ‘ cers ; that the collectors cannot afford leisure to attend to
 “ ‘ investigations relative to rent-free lands, must at once be
 “ ‘ obvious, from the known fact of the whole of the claims to
 “ ‘ eleemosynary pensions or rosannahs not having been finally
 “ ‘ determined, although the ceded and conquered provinces
 “ ‘ have been under British dominion for upwards of seventeen
 “ ‘ years.’

“ Besides this want of time, there is a necessary species of
 “ knowledge in which Mr. Halhed infers that the revenue offi-
 “ cers cannot fail to be deficient. ‘ They are ignorant (he
 “ ‘ says) in most cases of the forms of the courts, and of the
 “ ‘ tenor and spirit of the law in judicial matters. From the
 “ ‘ circumstance of their not having been educated in the ju-
 “ ‘ dicial line, they are ignorant of the requisites necessary
 “ ‘ in a cross-examination, which can only be attained by long
 “ ‘ practice and experience, and without which it is impossible
 “ ‘ to extract the truth from an unwilling witness. The result
 “ ‘ of a collector’s inquiry is but rarely satisfactory in a judi-
 “ ‘ cial point of view. Being interested in the decision, they
 “ ‘ very often over-estimate the evidence in favor of the re-
 “ ‘ venue, and their decision is reversed in the appeal to the
 “ ‘ courts ; when if they had been less easily satisfied with
 “ ‘ evidence making for their own side of the question, they
 “ ‘ might by further investigation have established a proof
 “ ‘ against a claimant. More suits (he says) are lost from
 “ ‘ the little attention paid by the collectors to the means of
 “ ‘ refuting the arguments and allegations of the adverse
 “ ‘ party, and from the want of knowledge as to the measures

imposed on collectors, by this their enlarged jurisdiction, greatly impeded the performance

“ ‘ to be adopted in order to circumvent the tricks and subter-
 “ ‘ fuges of the attornies and pleaders of the courts, and of
 “ ‘ their interested principals, than from defects in the right of
 “ ‘ government, or from any other causes.’ ”

“ The want of time is an objection applicable, he thinks,
 “ no less to the revenue Boards than to the collectors. If
 “ the business which they have now to discharge gives them
 “ full employment, he concludes that they must be over-
 “ whelmed, when they shall have to consider the petitions
 “ which will pour in upon them as soon as the investigation
 “ of lakerage (free) tenures is prosecuted to any extent. These
 “ petitions and appeals to the courts, he thinks, will occur in
 “ almost every instance, and an incalculable amount of business
 “ may be counted upon as the result.

“ Having thus pointed out the defects which he believes
 “ will be found adhering to the plan which has been adopted
 “ for investigating the titles to rent-free possessions, he pro-
 “ ceeds to recommend an expedient which he regards as much
 “ better calculated to answer the end. It is that of appoint-
 “ ing a commission ‘ to be composed of two European cove-
 “ nanted civil servants, to be selected from the revenue and
 “ ~~judicial~~ branches ; the two commissioners to be vested with
 “ ‘ full powers to hold proceedings in a judicial form, and to
 “ ‘ be empowered to execute the duties relative to the inquiries
 “ ‘ regarding rent-free tenures, which under Regulation II. of
 “ ‘ 1819, devolve on the collectors.’ ” Beng. Rev. Sel.
 “ vol. iii. p. 118 to 119. “

The Court of Directors were much inclined to adopt this suggestion of the judge and magistrate of Moradabad. They justly thought that, by the Regulation II. of 1819, too much was left to the decision of collectors, who had exclusively to

of their other duties ; on which account Government strongly urged the Court of Directors

collect the evidence in each case, and thereon to pass their opinion. Whether evidence be perfectly or imperfectly taken must, it is obvious, depend on him who takes it ; and a decision passed on evidence imperfectly taken is likely to be erroneous. Reserving, therefore, the ultimate judgment in these cases to the Revenue Board, who could only pass judgment on the collector's evidence, was no security against error ; whilst from the expence of prosecuting appeals, and the poverty of a great proportion of those whom the decisions in question would affect, the Court apprehended, that the power of appealing would, in numerous instances, be a remedy in name rather than in effect. The Court of Directors were also of opinion that an appropriate judicatory was only one of the conditions essential to the ends of justice. " Another is (they observe) " a rule according to which it shall decide. Your first proceeding, therefore, doubtless is, maturely to ascertain and lay down the principle according to which you mean to discriminate between the lands which you are entitled, and those which you are not entitled to resume ; and to draw up a set of accurate rules defining the several sets of cases which that principle would embrace."

The letter of the Court of Directors being rather the expression of an opinion than an order to adopt it, the Bengal Government adhered to their own arrangement ; and after stating their objection to the appointment of a special commission, conclude with the following observation in favour of the plan they had adopted. " At present the law appears to us to provide sufficiently for every essential object. *If there be any error it is on the side of tenderness towards the people(!)* which we are sure your Honorable Court will not disapprove." (Bengal Rev. Sel. vol. iii. p. 136.)

to increase very considerably the number of European servants, as being, they added, quite essential to the full improvement of the system of revenue management.

In respect to the assessment of resumed lands, and of wastes supposed to be not included in the grants of the permanent settlement, but which had been since cultivated, the Court of Directors still clung to their lately favoured notion of Ryotwar survey and measurement. The fallacy of these surveys has been already exposed ; but as they are still prime favourites with some persons, I may here add the result of another of these attempts made in the “ceded and conquered provinces,” where a professional surveyor (Lieut. Gerard) was appointed to verify the accounts of the land, cultivated and uncultivated, in the district of Cawnpore. Shortly after the commencement of his labours, the Commissioners gave the following hopeless account of their probable termination. “The length of time required for a minute survey of that “description which could ascertain the actual quantity of “land in, and fit for, cultivation, and the nature of the produce of every field in every individual estate of these provinces, may be readily estimated from Lieut. Gerard’s report on his survey of the village of Porth Khas. He there “calculates that half a square mile may be surveyed in one “day ; and taking the square contents of the smallest district in these provinces (Feruckabad) at 2,700 miles on an “extreme length of 90 miles, and on an average breadth of “30, *it would require 15 years for the completion of the “survey of a single district.*” — Vide Beng. Rev. Sel. vol. iii. p. 106. 112. 114. 138. and 145.

SECTION IX.

Views of the Court of Directors in respect to periodical encreases of revenue
 — Long leases, and consequences thereof. Court's prepossessions in favour of existing system of land-revenue. Its influence on the conduct of public servants abroad. Effects of the system in preventing the accumulation of capital. Concluding remarks on the preceding details.

EVER since the Court of Directors first took a fancy to Ryotwar settlements, the spirit of “*improving*” the public revenue equally pervades their despatches and instructions to their Indian governments. Their objection to the extension of the Permanent Settlement has always had, for one of its grounds, that of excluding them from participating in the immediate advantages of extended cultivation,* of fixing bounds (as they observe) to their resources, whilst the extent of their possible exigencies remains unlimited. They have, at the same time, been willing enough to grant a liberal length of lease to Ryots, and landholders, on a fixed annual sum, for a period of 10 or 15 years, and to allow the cultivators the whole of its intermediate benefit from increased produce; but the Court have uniformly asserted their right to an augmentation of revenue, at the expiration of each period, proportioned to the encrease,

* Vol. I. p. 541.571-2. and 609-612.

if any, from each tenure, to be then ascertained by fresh valuations and surveys.

In the earlier records of the East India Company we find the Mussulman principle of the sovereign's right of property in the soil universally asserted; so that land revenue, or a land tax, in those days, was deemed no other than the sovereign's rent from his own lawful estate. In later times, when a better knowledge of the nature of landed tenures in India disclosed the monstrous injustice, as well as absurdity, of this principle, another Mussulman doctrine came to be substituted, viz. that the sovereign had an indefeasible right to a portion of the gross produce of land, which is usually designated by us as being equal to 50 per cent. thereof, but which the Mussulmans denominate *Kheraj*. This maximum of revenue, variously described as "*Moderate Jumma*" — "*Standard Assessment*" — "*Just amount of the public dues,*" &c., is, therefore, always considered as a legal claim, to be ultimately realized from all lands not subjected to the Permanent Settlement. Lord Cornwallis's arrangements of 1793, tore up, it is true, this cherished right by root and branch; and no sooner was the effect discovered, than an immediate stop was put to the progress of the

Permanent Settlement ; and the right of participation, as above stated, in the varying gross produce of the soil again most tenaciously insisted on.

Our financial systems thus leave us but a choice of inveterate evils. The Permanent Settlement on the one hand ; or a variable settlement variously denominated and modified on the other. Of the Permanent Settlement we have already seen how a scheme conceived in benevolence, but prosecuted in utter ignorance of existing interests, and individual rights, spread confusion and oppression throughout the country. We have also seen the operation of the Mootahdar, the Ryotwar, the Mouzawar, and the new Ryotwar settlements in other parts ; the grounds on which the Court of Directors have of late years decidedly objected to any permanent limitation of their claim to a lion's share in the encreasing produce of the soil, with their suggestions for remedying the inconveniences of a variable settlement by granting leases to the Ryots and landed proprietors ; but we have recorded proof that under the system, as it exists, — that is — under the pressure of an intolerable and constantly encreasing tax, the proposed remedy is no relief. In the lease, or farming, system, a head man,

or principal proprietor, is, as before observed, put forward as the representative of a village or community, under the denomination of a Zemindar or Malguzar.* The Malguzar engages with the collector to pay annually a fixed sum for the village or estate. This engagement rests on no better grounds than conjectural estimates, partial measurements, secret intelligence, or the realizations of revenue in former years. The Malguzar is thus bound to the state, and answerable in person and property, for a gross sum. All that he can collect beyond it is his own profit. He has, therefore, the strongest possible motives to wring the utmost from the cultivators, who, as we have seen, are thus absolutely left without protection.

But the Malguzar's own case (supposing him to be a real owner) is not much better. On each renewal of settlement, the land is put up to a sort of auction. The collector's object, at each interval, is increase on the former Jumma; and speculators, of whom many make it a regular profession, are thus encouraged to bid against the hopes and fears of the Malguzar. If the Malguzar decline taking the lands on the terms proposed, he is left without

* *Vide supra*, p. 143 and 161.

subsistence, and his lands are transferred to the possession of a stranger, or perhaps an adverse claimant, who will then find means to appropriate to himself the Malguzar's hereditary rights. If to avoid this predicament, the Malguzar engages for a Jumma beyond the capability of the lands, he subjects himself, on failure, to the imprisonment of his person, the sale of his effects, and the perpetual alienation of his tenure. In short leases, a Malguzar may therefore be said to live under the perpetual dread of total ruin. A longer lease is at best but a respite ; for the fatal period of renewal comes at last, with its fresh valuations, and arbitrary estimates, and renewed competition ; and whatever advantage, or comfort, he may derive from his estate, during the continuance of his lease, he must still live in the same dread of beggary and ruin at the expiration of his term.*

* “ If the uncertainty of the demand be not remedied, a long settlement will be only a respite from the disastrous consequences which may ensue upon a new settlement, when at last it may come, and the Zemindars must live in constant dread and anxiety on the approach of that fatal period.

“ The precarious condition of families upon such a tenure is manifest. They would often, no doubt, rise to ease and affluence during the long interval of exemption from en-

It would seem, indeed, at this time (1822) that little or no progress had been made in equalizing or regulating upon fixed principles, our system of land taxation, or in ascertaining and securing the precise rights and privileges of the occupants and cultivators of the soil. A revenue wholly dependent on the annual produce of husbandry sanctions, as it were, constant interference in the usual pursuits and occupations of individuals. We have here a first violation of the maxim “laissez faire.” Our adoption of the Moslem doctrine as to land and its produce being royal appurtenances,* but claimed more as a right of property than as a tax, seems to have unsettled and obscured our notions of the more rational and intelligible rights of individuals. Whether the so-

“crease; but when the expiration of the term should arrive, they would be reduced to comparative poverty and distress.

—With long settlements it is to be feared that prosperity and happiness might often be called into being, only to be annihilated by a new assessment. A new settlement might fall upon families as sudden ruin, reducing them from an ample to a scanty income, destroying the comforts and enjoyments which affluence had yielded, and repressing all the habits and notions which it had formed. Such a system might often operate as a confiscation or revolution.”
—Mr. Stuart’s Minute, 18th December, 1820.

* *Vide Vol. I. p. 279, et seq.*

vereign be considered as proprietor of the land, or as chief proprietor of its produce, hosts of local agents must necessarily be employed to guard his rights, and to collect his dues. His interests are consequently a paramount consideration; and when in process of time it was discovered that numerous individuals had a heritable and transferable property in the lands they occupied, another set of rights started into view, which it was necessary to reconcile with the indefeasible rights of the sovereign, but always in due subordination thereto. We had thus in fact two proprietors to the same estate; and this double right of property became infinitely more complicated from the measures adopted to realize the sovereign's share. Farmers of the public revenue, Zemindars, Malguzars, and the purchasers of estates at public sales for arrears of revenue, became, in innumerable instances, proprietors of land under the sanction of existing laws, to the prejudice of its rightful owners, and the oppression of its cultivating tenants. What with the great proprietor—the sovereign,—and the lesser proprietor, Zemindar, Malguzar, &c.—the public exigencies of the one, and rapacious exactions of the other,—we frequently find the real owners of an estate, as under the Mussulman regime, reduced to become its cultivating

Ryots, or tenants. The latter, in such case, are considered as possessing a right of permanent occupancy, so long as the dues of the greater and lesser proprietor above-mentioned be regularly discharged. Hence another notion that government, in its meddling capacity, has a right to regulate the demands of the lesser proprietor from the land; so that a person acknowledged to have a right tantamount to that of fee-simple, is not suffered to make his own bargain with his own tenant; in other words, he is only suffered to demand such a rent from his own estate as shall be prescribed to him by a public law. It is true that the lesser proprietors have too frequently made a mockery of these laws, but not without causing great confusion and oppression. It is, moreover, well known to the higher authorities in India, that to adjust these conflicting rights and interests on equitable principles, requires a knowledge of tenures, and local usages, varying in various parts, as well as of the boundaries, situation, and infinitely varying productions of land, without which it would be impossible to allot to the parties interested their respective shares, or to distinguish by specific limits the exact rights of contending claimants. But this minute knowledge being absolutely unattainable by Government, we

find the public records full of anxious wishes for its acquisition, lengthy and verbose instructions to accomplish it, unremitting exertions by the ablest public servants to fulfil the expectations of Government, and the result repeated and universal failure.

In 1823, the doubts and uncertainties of 1793 were still prevalent ; the same inquiries remained to be made into local usages, rights, and resources ; revenue settlements as dependant as ever on conjectural estimates ; and the inferior classes of the agricultural community as little guarded against oppression. We had in fact no unerring data to work upon—no safe guide to direct our course. In the maturity of our administration—at least in 1823—as in its commencement, we had every thing of importance still to learn ; owing to an impracticable system in which the objects proposed to be accomplished, whether of strict justice, or pure benevolence, proved in practice to be a vain pursuit. •

Notwithstanding all these recorded evils, the Court of Directors have invariably clung to the system of land revenue in India, as being of great antiquity ; consequently supposing, that at some time or other it must • have been susceptible of order, certainty, and facility of execution, however defaced by the

excesses and anarchy of Mussulman sway ; and looking to it as the only means, in a country like India, whereby funds could be supplied for necessary disbursements. Their orders have, therefore, been uniformly directed, as well to its security, as to its encrease, in every way consistent with the rights and comfort of the people. It has hence followed, as not the least injurious of the effects of this system, that it binds down the energies of our ablest servants to the pursuit of an unattainable object. The difficulty of this system was well described by the Court of Directors in 1767, when they observed, (*Verelst's View of Beng. App. p. 136.*), “ The experience we
 “ already have had in the province of Burd-
 “ wan, convinces how unfit an Englishman is
 “ to conduct the collection of the revenues, and
 “ to follow the subtle native through all his
 “ arts to conceal the real value of the country,
 “ and to perplex and to elude the payments.”
 That this has been the characteristic of the system ever since, is abundantly evident from the writings of Mr. Shore,* Lord Cornwallis, the

* “ Our administration has been fluctuating and uncertain.
 “ An idea of improvement has been hastily adopted, un-
 “ steadily pursued, and afterwards abandoned from a sup-
 “ posed defect in principle ; new measures have been sub-

Revenue Board at Madras, Lord Hastings, and innumerable other official documents. To unravel the intricacies of the system on the one hand, to controul its abuses on the other, have always been fruitless attempts. Mr. Shore's writings, in particular, represent the whole country as in a singular state of confusion from these causes ; and Lord Cornwallis, in despair of ever attaining a better knowledge of its real resources, advances it as a reason, coupled with Mr. Shore's representations, for immediately adopting the Zemindary arrangements.

From numerous other passages of a like import in Mr. Shore's minutes, Lord Corn-

“stituted, followed, and relinquished with the same facility ;
 “and the natives, from these variations, with every succession
 “of men, expect a change of system.

“There is no country in the world, I believe, where the
 “officers of government devote more time and attention to
 “the discharge of public business than in Bengal. The
 “official duties are inconceivably laborious to those who
 “perform them with zeal and assiduity—an assertion which
 “the public records will prove. But there are limits to in-
 “dustry, and bounds to exertion. If too much be attempted,
 “matters of great importance must be neglected. The con-
 “troul of the Board of Revenue over the collectors, and that
 “of the supreme power over them and all other departments,
 “will alike prove ineffective, if their attention is dissipated
 “in the minutiae of detail.”—Mr. Shore's Min. App. 5th Rep.
 p. 190 and 195.

wallis quotes the following. (App. 5th Rep. p. 486.), “ That it would be endless to attempt the subordinate variations in the tenures or conditions of the Ryots; that it is evident in a country where discretion has so long been the measure of exaction, where the qualities of the soil, and the nature of the produce, suggests the rates of the rents; where the standard of measuring the land varies; and where endless and often contradictory customs exist in the same district and village; the task must be nearly impossible; that the collector of Rajeshahy observes on the subject, that the infinite varieties of soil, and the further varieties of value, from local circumstances are absolutely beyond the investigation, or almost comprehension, not merely of a collector, but of any man, who has not made it the business of his life.” When, therefore, such men as Mr. Shore (Lord Teignmouth), distinguished among the Company’s servants in India for his ability, experience, local knowledge, and zealous endeavours to promote both the Company’s interests, and the security and happiness of the people, are—with the convictions above described—still found to devote all the powers of their mind to perfect or improve a system, which sets human ingenuity

at defiance to accomplish either: when a body so experienced and distinguished, in another part of India, as the Revenue Board at Madras, should, so late as the year 1818, (*vide p. 115,*) declare the attempts made to ascertain the real resources of the country to be “altogether arbitrary and unsatisfactory, “hastily performed and badly executed; existing only in the accounts of the collector’s “Cutchery, and never adopted or followed “by the people,” yet still persevere in efforts to the same end: and when the exertions and schemes of our ablest and most humane collectors are thus proved to be labour in vain, we must necessarily conclude that, as long as this system of land revenue is required by orders from England to be enforced; that as long as it is regarded with mistaken favor, merely because it was the system of our Mahomedan predecessors; and that it be looked to as the only means whence funds can be supplied to discharge indispensable expenses;—all the talent and zeal, and benevolence of future courts, and future servants, will, like the past, continue to be wasted on impracticable projects to equalize the rates of taxation; to reduce them to a just, and really moderate standard; to determine and secure individual rights; to protect the lower classes against

oppression : or to controul abuses, of which the great majority of cases never will, because they never can, reach the ears of those who are empowered to redress them.

But besides the impracticability of our Indian system, its instigating all classes of the Company's servants, from local collectors up to the government itself, to hasty augmentations of the public impost, is here peculiarly fatal. The disposition to encrease revenue is no doubt common enough to all human governments ; but in countries taxed, for example, like England, additional burdens are always professed, and generally sought, to be imposed in the way least onerous to the community at large. But this is an alternative of which India is deprived. In India, from the system we have adopted, one only source of taxation is presented—land ; and to overload agricultural industry in a country not yet, or but little, advanced (like our eastern possessions) beyond the art of raising raw produce is to make certain provision for its stationary, if not retrograde, condition ; to shut out every chance of improvement, and to oppose the most effectual barrier that can be applied to the natural progress of human prosperity.

Of all the effects too resulting from this destructive system, there is none more obvious than its preventing the possibility

of accumulating capital ; through which alone can the agriculture of the country be improved. At present, the stock of a Ryot consists of a plough not capable of cutting deep furrows, and only intended to scratch the surface of the soil, with two or three pairs of half starved oxen. This, a sickle used for a scythe, and a spade or small hoe for weeding, constitute almost his only implements of husbandry. Faggots of loose sticks bound together serve for a harrow. Carts are little used in a country where there are no roads, or none but bad ones. Corn, when reaped, is heaped in a careless pile in the open air to wait the Ryot's leisure for thrashing ; which is performed not by manual labor, but the simple operation of cattle treading it out from the ear. A Ryot has no barns for stacking, or storing, grain, which is preserved, when required, in jars of unbaked earth, or baskets made of twigs or grass. The cattle are mostly fed in the jungle, or common waste land adjoining his farm, and buffaloes, thus supported, generally supply him with milk. Horses are altogether disused in husbandry. The fields have no enclosures. Crops on the ground are guarded against the depredations of birds and wild beasts by watchmen, for whose security a temporary

stage is erected, hardly worth a shilling. Irrigation is performed by means of reservoirs, intended to retain the water periodically falling from the heavens, and of dams constructed or placed in convenient situations. In some places, water is raised from wells either by cattle, or by hand. A rotation of crops, on which so much stress is laid in Europe, is unknown in India. A course extending beyond the year is never thought of by Indian Ryots. Different articles are often grown together in the same field, in which the object always is to obtain the utmost possible produce without the least regard to the impoverishment of the soil. The dung of cattle is carefully collected for fuel after being dried in the sun, and never used for manure. Oil cake is used for manure in sugar-cane plantations, and for some other articles ; but corn-fields are mostly left to their own natural fertility, and often worked to exhaustion without compunction. In some situations near the sea, decayed fish is used as a manure for rice-grounds ; but it is seldom permitted where authority can be interposed, as the stench of it is intolerable.

In a country like India, where the heat of the climate is great, the construction of

tanks, or wells, for the purpose of irrigation, is one of the most useful purposes to which agricultural capital can be applied. Wells and tanks are sometimes constructed, or repaired, by the labour or industry of Ryots, but most commonly at the expense of Government. It has been remarked that where Zemindars have been enabled to accumulate gains, they never apply them to the improvement of lands subject to the public revenue. Where Zemindars have been known to construct works of the above description, they are merely designed to increase the fertility of lands held free.

But generally speaking, so entire is the want of capital in India, as well in arts and manufactures as in agriculture, that every mechanic or artizan not only conducts the whole process of his art, from the formation of his tools to the sale of his production ; but, where husbandry is so simple a process, turns cultivator for the support of himself and family. He thus divides his time, and labor, between the loom and the plough; thereby multiplying occupations fatal to the improvement of either.

In this universal state of poverty, manufacturers always require advances of money to enable them to make up the article in de-

mand; whilst Ryots have frequently been known, sometimes for anticipated payments, and sometimes for their own expences, to borrow money on the security of growing crops at 3, 4, and 5 per cent. per mensem.

No fact is perhaps better established in political economy than that industry cannot, in any of its branches be promoted without capital. Capital is the result of saving from annual profits. Here there can be none. A dense or rather redundant population occasions in India, as in Ireland, a competition for land; because, in a nation of paupers, land is indispensable as a means of existence. It is therefore at times greedily sought for in India, notwithstanding the exorbitance of the revenue chargeable thereupon, for the same reasons that small portions of land in Ireland are occupied under payment of exorbitant rents to landlords; and this extension of cultivation in India is often mistaken for an encrease of prosperity, when, in fact, it is but the further spreading of pauperism and want. Hence the acquisition of capital in India, by the cultivators of the soil, is absolutely impossible. Either the revenue absorbs the whole product of industry, except what is indispensable to preserve the workers of the hive from absolute starvation; or it is engrossed

by a Zemindar, or farmer, who will not re-apply his gains to the improvement of lands within the power of a tax-gatherer's grasp.

In this series of proceedings, effects are presented to our notice deserving the most serious consideration. It is clear, that whenever the wants of Government, real or imaginary, may call for increased supplies, recourse will be had to the "*improvement*" or extension of an impost already almost intolerable. It is in fact the only available resource. Universal poverty leaves no other. Measures will therefore be multiplied for assessing wastes ; for resuming rent-free lands ; for invalidating former alienations ; for disputing rights which had been allowed to lie dormant for half a century ; for increasing the aggregate receipts from lands already taxed, or supposed to be taxed, at 50 per cent. of the gross produce—in short, for the most harassing and vexatious interference with private property, and the pursuits of private industry. Every improvement or extension of agriculture is thus sure to be followed, sooner or later, by the graspings of the tax-gatherer. Industry, therefore, will be effectually checked, or only prosecuted where the demands of Government may chance through bribery, fraud, or concealment to be eluded. Or, if the necessities of

human life, or increased population, should occasion agriculture to be extended to waste lands, to be thereafter taxed at “*the just amount of the public dues,*” what is it but the further spread of pauperism and wretchedness ?

Under these circumstances to profess an anxious desire to promote general prosperity, to augment the comforts or protect the rights of the people, when our acts and deeds thus belie our avowed intentions, is but to arm the intensity of disappointment with a keener sting. Every new act of the Government will be viewed as a portentous omen of increased burthens. A collector, raised to the judicial bench, with leanings highly proper for him to entertain as guardian of the public revenue, or as an advocate, becomes, in his capacity of judge, an object of suspicion and distrust. Confidence and attachment,—the great bulwarks of national prosperity—will thus give way to a sense of injury and wrong ; and no feeling of injustice is more irritating to the mind than that which a people suffer at the hands of their rulers. It rouses the most submissive and peaceable of mankind to acts of secret opposition, or open violence. Government, under these circumstances, may be feared, but it is also hated. Its ordinary measures, wanting aid and efficiency from popular concurrence, are thwarted or opposed. Dominion is held by

a thread ; a thousand accidents may snap it ; and every infusion of fresh vigor to restore a fallen, or to prop a tottering, power only aggravates the recollections of its past injustice. A late French writer, describing the sufferings which an oppressed people endured at the hands of their local rulers, has well observed, “ *L’injustice les a revoltés. Réduits au desespoir par ces magistrats memes, leurs naturels appuis, opprimés au nom des lois qui doivent les protéger, ils ne connaissent plus de frein, parceque, ceux qui les gouvernent n’ont point connu de mesure.*” * The Edinburgh Review, wherein this passage is also quoted, remarks on it, that it is a lesson to all rulers, and applicable to every people.

SECTION X.

Decoity, or Gang-robbery.

IN the preceding pages I have, more than once, adverted to the circumstance of the inhabitants of India being driven by oppression to join associations of public or gang-robbers. The armies of Pindaries, which lately required so large a British force to put down, were supposed to have been recruited, in part, from the population of the Company’s own dis-

* Œuv. de P. L. Courier, tom. i. p. 98.

tricts ; persons, whom misery, and want had forced to quit the habitation of their fathers. Gang-robbery, therefore, as before observed, (*Vol. I. p. 260.*) was common, under different denominations, to many parts —almost, indeed, the whole of the interior—of India. But in no part has this practice prevailed in greater excess, and cruelty, than in the lower provinces of Bengal ; and, what is still more remarkable, in the districts immediately adjoining the seat of the supreme government, where it is known by the term “Decoity.”

The crime of Decoity is of great antiquity in Bengal ; probably as old as the oppressions which gave rise to it ; and to guard the inhabitants generally against the cruelties and atrocities of Decoits, a very numerous and powerful establishment was formerly kept up, and placed under the orders, or subject to the disposal, of Zemindars, who were then considered responsible for the crimes committed within their respective circles. It will give the reader some notion of the magnitude of the crime itself, the terror it universally inspired, and the power required to repress it, by laying before him an official statement of the police establishment in one, district only, Burdwan, the capital of which is only about 60 miles N.N.W. of Calcutta.

It appears, then, by a letter of the magistrate, of the 12th of October, 1788*—that is, a short time previous to the introduction of Lord Cornwallis's Permanent Settlement—that the Zemindar had, at his command, a police establishment consisting of Tannahdars, or chiefs of police divisions, under whose immediate orders were stationed in the different villages, for the protection of the inhabitants, to convey intelligence to their chiefs, or Tannahdars, about 2400 Pykes or armed constables. But the principal dependence of the inhabitants for protection was, it appears, on the Zemindary Pykes, whom the magistrate represents to have been no less in number than 19,000, and at all times liable to be called out on police duties.

Here, then, we have an army—independent of the superior officers in employment—of about 22,000 men, to guard a district 73 miles long by 45 miles broad. How many of these were real protectors and guardians of the public peace, and how many plunderers for their own benefit, the reader may, from the facts before him, now judge for himself. It is clear that Lord Cornwallis thought them a mischievous crew; for, on the introduction

* Vide, 5th Rep. p. 71.

of his Permanent Settlement, he abolished the native police establishments throughout the country; taking police jurisdiction out of the hands of the Zemindars, and transferring it to the European magistrates, with Daroghas, &c. (*Vol. I. p. 361.*) under them.

The new police establishments, however, were every where inefficient. The crime of Decoity encreased prodigiously. It seems to have been successfully prosecuted, and almost with impunity, till the year 1808. In this interval the cruelties and atrocities recorded of Decoits would make the coldest heart shudder. Murder, robbery, rape, and torture, in their most barbarous and ferocious shapes, were the constant practice of these Decoits. Nothing was more usual with them than to bind up persons in straw, hemp, or quilts, moistened with oil, and to burn them alive to force a disclosure of hidden treasure. Their depredation and cruelties were everywhere of the same character; and distinctly avowed by the Supreme Government not to have been confined to particular districts, but committed, with few exceptions and slight modifications of atrocity, in every part of Bengal.*

* Letter from Bengal Government to the Court of Directors
29th May, 1810.

In 1808 this tremendous evil was somewhat checked by the vigilance, and activity, of a magistrate, Mr. Blaquiere, who was appointed to this express duty, under the denomination of Superintendant of Police ; and authorized, on a plan and suggestion of his own, to employ spies or informers, termed Goyendas, under overseers named Girdawars, to detect the secret haunts of the Decoits, and to assist in their seizure. By these means, (although the principle was seriously objected to by several of the Bengal servants) Mr. Blaquiere succeeded in seizing some of the most notorious offenders, who, of course, underwent the just punishment of their crimes ; but Decoity itself was not suppressed. Among the numerous complaints on record, of the continued existence of Decoity, it may be sufficient to quote one from the report of the 3d Judge of the Calcutta Circuit of the 13th June, 1808, in which he says— “ That Decoity is very
 “ prevalent in Rajeshahye has been often
 “ stated ; but if its vast extent were known,
 “ if the scenes of horror, the murders, the
 “ burnings, the excessive cruelties, which are
 “ continually perpetrated here, were properly
 “ represented to Government, I am confident
 “ that some measures would be adopted to
 “ remedy the evil ; certainly there is not an

“ individual belonging to the Government
 “ who does not anxiously wish to save the
 “ people from robbery and massacre ; yet the
 “ situation of the people is not sufficiently at-
 “ tended to. It cannot be denied *that, in*
 “ *point of fact, there is no protection for persons*
 “ *or property*; and that the present wretched,
 “ mechanical, inefficient system of police is a
 “ mere mockery.

“ Such is the state of things which prevails
 “ in most of the Zillahs of Bengal ; but in this
 “ it is much worse than in any other I have
 “ seen. I am fully persuaded that no civilized
 “ country ever had so bad a police as that
 “ which Rajeshahye has at present.”*

So late, moreover, as the 20th October, 1824,
 the Court of Directors, in their letter to the
 Bengal Government, express themselves sorry
 to find that heinous crimes had been com-
 mitted in the lower provinces in 1819, to a
 greater extent than in 1818—“ The number
 “ of Decoitys (they add) attended with tor-
 “ ture, or wounding, encreased from 48 to 84 ;
 “ and the total number of Decoitys from 217
 “ to 336. There was also a great encrease of
 “ robberies and thefts of various kinds, at-
 “ tended with murder and wounding.”†

* 5th Rep. p. 586.

† Beng. Judic. Selec. Vol. IV. p. 11.

Down, therefore, to the period here mentioned, we have recorded proof of the continued existence of Decoity in the Bengal provinces to a most distressing extent, notwithstanding all the measures and expedients which had been resorted to, for twenty preceding years, to suppress it.

Of Goyendas, and Girdawars, I find nothing stated in the later records now in print; but in 1810, it was proved against several of these spies and informers, that they had availed themselves of their employment to practice extortion on the inhabitants—sometimes to prefer groundless charges, and support them by false evidence, in order to get the reward granted on the conviction of offenders—sometimes to participate in the plunder of avowed Decoits—and sometimes to commit in person the very enormities which they were engaged to suppress. Still the Bengal Government thought this a lesser evil than the atrocities previously practised by Decoits; and Goyendas were, therefore, at this time, continued, or rather endured, as the only hope that presented itself of being able to free the country from gangs of still more cruel monsters.

Of the state of the provinces here adverted to, the reader may also judge, from another fact recorded in Mr. Secretary Dowdeswell's

report of the 22d Sept. 1809, on the general state of the police in Bengal. Speaking of our own Daroghas, or police officers, who appear to have been vested with powers equal to those of a justice of peace in England, he describes them as an actual “*pest to the country, from their avarice and addiction to every species of extortion.*” Though vested with such important powers, they are represented as persons possessing no previous instruction as to the nature and extent of their duties; nor habits of life which would fit them for the performance of those duties with effect. Their agency in furnishing information is also stated to be ineffectual; and the crimes, committed by themselves numerous. “By an abstract (Mr. Dowdeswell observes) which I caused to be prepared from the records of my office, it appears that 84 Daroghas were dismissed from their offices for misconduct between the 1st of January 1808 and the 31st of August 1809; and that seven of those persons were ordered to be tried before the criminal courts on account of the aggravating circumstances with which the offences committed by them were attended.

“The number of persons so punished will doubtless appear considerable; but great as it is, I believe it bears no more propor-

“ tion to the number of offences actually committed by the Darogahs, than the number of crimes reported by them bears to the number of crimes actually perpetrated within the limits of the different Tannahs.”*

Frightful as this state of society must have been, with one expedient after another aggravating (as indeed is generally the case) the evil they were intended to cure, it does not appear to have attracted any marked attention on the part of Government till the year 1808; although Decoity had encreased both in frequency and enormity, ever since the year 1792. Neither does it appear that any fixed notions were entertained as to the real cause of so enormous an evil. When Decoity in one season was more prevalent than in another, we find it ascribed to a scarce crop, release of ordinary prisoners from confinement, absence of magistrates, or want of European assistants; and sometimes, for want of better reasons, to general defect of the system; to anything, in short, but a permanent cause. In reports unconnected with Decoity, we have frequent intimations of the poverty of the people, leading them to the commission of great crimes; and of the pressure of revenue, and the exaction of revenue servants being the occasion of po-

* 5th Rep. p. 612.

verty.* But in treating of Decoity it has never, that I know of, been connected with the revenue systems of India, as effect and cause, although the connection would seem to be obvious, and easily traced.

In many instances, Decoitys have been committed by ousted Zemindars, whose estates had been sold for arrears of revenue and who took these means to revenge themselves on the purchasers; in other instances by Ryots driven to it by extreme poverty.†

No stronger collateral proof can, perhaps, exist of the heavy pressure of financial rapacity, restraints on industry, and misery and starvation, than the circumstance of individuals being driven, by their agency, to practise enormities so unnatural, and so opposed to all the habits of civilized life. Throughout the whole period of the Mahomedan government in India, gangs of robbers infested every

* In a report of Mr. Secretary Dowdeswell, of the 22nd Sept. 1809, 5th. Report, App. 12, there is a list of 33 Decoits brought to trial before the Nizamut Adawlut. Of these, 14 were cultivators and labourers, with 2 beggars, and 11 Chokeydars and Peons, or police and revenue officers. The cultivators, labourers, and beggars, may easily be accounted for; of the Chokeydars and Peons we can only presume that their share of official perquisites did not equal their expectations; and therefore, that they had recourse to more speedy methods of enriching themselves.

† *Vide supra*, p. 64.

part of the country; and wherever our dominion has been extended the practice is still found universally prevalent. From the long habit of predatory association, and each assuming, or being known by, a certain name, they have generally been considered as distinct tribes. But oppression and want first drove them to the jungle; where their ranks continue to be recruited by the destitute, and desperate, of all castes. And if these causes have invariably produced these effects in other parts of India, * how comes it to pass that in the fertile plains of Bengal, with a population perhaps the most submissive and timid in all Hindostan, Decoity should continue to rear its terrific head, in spite of all the expedients and contrivances set on foot to suppress it? If Mahomedan exactions in Bengal gave birth to Decoity, our adoption of the Mahomedan system is a sufficient and obvious reason for its continuance under our administration. We need seek for no other cause. It is no answer to this argument, to say that the revenues of Bengal now bear light on all classes,

* For the general prevalence of gang-robbery throughout India, *vide Vol. I. p. 260–266*, and the authorities there referred to.

and are easily collected ; therefore the pressure of the revenue can no longer be considered as a cause of Decoity. I have shewn, in a former Chapter (*Vol. I. page 591*) that some improvement has taken place in the state of Bengal, and pointed out what I conceive to be its real cause ; but the quotations I have given from official records prove incontrovertibly, that the Ryots are, down to the present hour, as much harassed, oppressed, and drained, as ever ; and it is also true, that Decoity having grown up through a course of ages into a settled habit and pursuit, the country, in which it prevails, might go on advancing in prosperity, through several generations, before it is finally suppressed.

Meanwhile the existence of the evil is undeniable ; our own records down to a late period proving it to be as prevalent, even in our best and most fertile districts, and as little susceptible of remedy, as in the days of Musulman sway, when it is recorded by their own historians that intolerable exactions caused Ryots to abandon their lands in despair, and to turn robbers for want of employment.* When Hanno sent forth his flocks of starlings to proclaim him as “ Deus Hanno”

* *Vide Vol. I. p. 625.*

through the woods and wilds of Africa, he merely gratified a ludicrous and contemptible vanity. But the thousands, and tens of thousands, of human victims which the revenue systems of India have driven forth, either individually, or as associated bands, into its jungles and mountains, are there, not to raise the voice of adulation and praise, but to wail, from generation to generation, over the injustice, and oppression, which first expelled them from their homes, to seek a precarious subsistence, by means abhorrent to their nature, and which can only be reconciled to their minds by the gratification it affords, when wreaking a merciless vengeance on their oppressors.

SECTION XI.

Various opinions in India as to the right of property in land. Importance of this question. Mussulman law of conquest, and of property thereon founded.

AN important consideration connected with this question remains to be noticed; and that is, the effects which have been produced on landed property in this great region of the world.

In the course of this work, the facts adverted to have more than once led us to

notice violations of private property, and of individual rights, as consequences of our financial system. The magnitude, however, of this evil, with its long train of injuries and injustice, is such as to demand a separate and detailed discussion. It may also tend to explain the difference of character between Indians, and Europeans of the present day, treated of in *Part II.*; but which I have purposely reserved for this place, on account of its intimate connexion with the Revenue systems of the East.

In the financial enquiries which have been prosecuted with great diligence and ability in India, the nature, and basis, of landed tenures—in other words—“Who is the rightful proprietor of the soil?”—is a question which has excited deep research, and much argumentative disquisition. Some have contended for the Sovereign alone, as the rightful proprietor of all the lands of his dominion; others, for the Zemindar; and others, for the humble Ryot. It is not my intention to examine the merits of the arguments used on either side; but merely to advert to facts which are of importance to be considered in the question we are now discussing, and which will enable us to compare the nature of landed tenures in India with those which

existed in the earlier periods of European history.

The great importance of this question will be further manifest, when it is remembered, that we have been legislating on landed tenures, and landed rights, in India, for upwards of half a century, under the guidance of treacherous lights, which hitherto have only decoyed us into the mire of error. We have been anxious to extend protection to those who are most exposed to the graspings of violence and oppression; but to this hour, are our labours mere groping in the dark, ignorant of the precise nature of that which we are most anxious to shield from injury and wrong.

All that we certainly know is—

First, that the wants of government in India, as matters now stand, can only be supplied from a land revenue. Hence, the current doctrine of the sovereign being sole proprietor of the land, came to be at first encouraged and confirmed; until latterly, modified into an asserted right to certain, though undefined, portions of its annual produce.

And, Secondly, that certain classes of inhabitants have, (as we have of late years ascertained,) indefeasible rights in the soil, which the violence of seven centuries of Mus-

sulman sway have not altogether annihilated; but of which, the precise nature, extent, or limitation, is, to this hour, a problem to be solved in Eastern finance.

Seeing, therefore, as we have done, through a glass darkly, law after law has been enacted to correct evils, by temporary expedients, as they have presented themselves to observation, and multiplied upon our path. But, being founded on fallacious views of their own object, and coupled with the operation of the system adopted to ensure the collection of an exorbitant revenue, confusion has been very generally the result, and extreme and extensive oppression, under the cloak of that system, and of those enactments, which we have avowedly passed for the protection of the lower orders.

It has been already remarked that the northern hordes, who over-ran Europe, differed very little, if at all, in any thing but religion, from those who desolated the plains of Hindostan. The latter had embraced Islamism previously to their irruptions into the South; and, with the religion, of course all the laws and tenets, of Mahomed. In other respects, some similarity may be traced in the social institutions in force, in these two distant quarters of the world; more especi-

ally as regards landed possessions ; and if my opinions are well founded, it will be seen that we have here additional proof of the marked difference of character, state and condition, between Indians and Europeans, being mainly ascribable to the causes assigned in *Part II.*, viz. the long prevalence of despotic sway over minds sunk, through its ceaseless exercise, in ignorance, superstition, and slavery.

According to the Mussulman law, warring against infidels is expressly and repeatedly enjoined, as being of high merit in the sight of God ; whose will it is represented to be, that infidels should be unmercifully slaughtered ; whilst the warriors, who go forth to this work of blood, entitle themselves to the highest rewards of heaven. These merciless conquerors soon discovered that, to cut off the inhabitants of a country root and branch, was not the best way of rendering their conquests profitable ; wherefore the law, as before-mentioned,* empowers them to reduce conquered inhabitants to slavery, or to settle them on the conquered lands, as Zimnees (infidel subjects), on condition of their paying the Khuraj, and capitation tax. Whatever

was done, however, in this respect was only done to the Moslems' own advantage ; for it is not to be supposed, that the rights and interests, the liberties, or even lives, *per se*, of conquered idolaters, would be of any estimation in the minds of zealots, who from precept, education, and habit,* were taught to hold them in utter abhorrence and contempt.

* In the 47th chapter of the Khoran, entitled " Mahomed," but by some entitled " War," which it commands to carry on vigorously against the enemies of the Mahomedan faith, *i. e.* infidels, and paradise the reward, is the following passage.

" When ye encounter the unbelievers, strike off their heads " until ye have made a great slaughter among them, and bind " them in bonds, and either give them a free dismissal afterwards, or *exact a ransom*, until the war shall have laid " down its arms. This shall ye do. Verily if God pleased " he could take vengeance on them without your assistance, " but he commandeth you to fight his battles."

In another place, treating of unbelievers, the Apostle enjoins : " Strike off their heads, and strike off all the ends of " their fingers. This shall they suffer because they have re- " sisted God and his apostle." Those who are backward in going forth to fight on these occasions are at the same time threatened " with the indignation of God ; their abode shall " be hell ; and an ill journey shall it be thither."

In numerous other parts of the Khoran are unbelievers denounced as an accursed race, labouring under the wrath of God, and for whom is prepared the fire of hell. " Kill them " wherever ye find them, and turn them out of that whereof

From these premises, there are commentators who infer that the Ryots of India, being thus settled on the lands, became the actual “ *proprietors of the soil for ever, and may not be disseised of it without their consent so long as they pay the land-tax.** In this case the sovereign was only thought to be entitled to the Khuraj or land tax; and even to hold the Khuraj as trustee for the people; having no right to alienate by gift, grant, or transfer, any portion even of the Khuraj, except in favour of persons entitled by law to share in it.†

“ they have dispossessed you; for temptation to idolatry is more grievous than slaughter. This shall be the reward of infidels.”—(Khor. vol. i. chap. 2. p. 32.) Again —“ Verily those who disbelieve our signs we will surely cast to be broiled in hell fire. So often as their skins shall be well burned, we will give them other skins in exchange, that they may taste the sharper torment. They shall be the fuel of hell fire.”—Khor. vol. i. p. 96 and 52. *Vide also Vol. I. p. 323-4.*

* Obs. on Law and Constitution of India, p. 40. This, however, is only the comment of Aboo Hunecfa. Three other commentators of the Soonee sect,—viz. Imaun Shauface, Imaun Malik, and Imaun Humbal, all deny the right of property in the soil to be vested in conquered inhabitants. Conquered lands, they say, should be partitioned among the Moslemeen conquerors, and held for their benefit, or for that of the state.

† The persons enumerated as entitled to share in the Khuraj are soldiers, Kazees, Mooftees, teachers, collectors of

But this conclusion, however plausible, or calculated to support one side of a debated question, is inconsistent with other parts of the Mahomedan law. Of what value, for example, would even a formal declaration of perpetual proprietorship be to Ryots, when, by the very act of a fresh conquest, every right and interest, which they before possessed, is by law declared to cease and determine? — when the conqueror is authorized by the same law, at his own will and caprice, to carry the inhabitants into captivity, or to enslave them, or to suffer them to remain on the lands; or to remove them altogether, and to place another people in their stead? We are moreover informed by the same author, that “although the Mohamedan law declares the property of lands to vest in the cultivator, it still allows the sovereign to eject the cultivator who does not cultivate, and give his lands to another.”* To call this property —

revenue, police officers; in short, all public functionaries, and learned or holy men. Another curious clause in their boasted law is, “that the sovereign cannot make a *donation* of the Khuraj of the lands of an individual, to the owners, unless the donee be of those to whom the law assigns a public maintenance.”

* Obs. on Law and Constitution of India, p. 48.

to ascribe to such settlements either perpetuity, or even permanency, is really an abuse of terms. In the multiplicity of claimants, too, above enumerated it might puzzle the ingenuity even of a Mussulman casuist to say in whom the right of property pre-eminently vested. The sovereign, on the other hand, wisely concluding that what is every body's is nobody's, cuts short all dispute by taking the whole to himself.

Since then the law pretends, that, whenever a Mohamedan army conquers a province by force of arms, all private rights shall cease, and become vested in the conqueror,* a Ryot's tenure of land, in India, so far from being a perpetual right, had not the certainty of a single day's duration; for not only was every new reign a fresh conquest of the empire at large -- the throne itself being the prize of the strongest sword—but the separate provinces were constant objects of contention among independent or refractory chieftains, and continually changing masters “by force of arms.” Is it therefore reasonable to suppose that atrocious despots, like the Mogul emperors, and viceroys, of Hindostan, who cared so little for the blood of fathers, sons,

* *Vide Vol. I. p. 319.*

and brothers—who set the laws of family inheritance at nought—would have the least regard for other laws beyond what might serve their own views? or for the interest or condition of subjects whom they held in as little estimation as the brutes of the creation, whose only utility in this life, was subservience to the pleasures or ambition of the Moslem rulers, and the flames of hell their inevitable doom in the world to come? Whatever construction, therefore, may be put by commentators, or advocates, on the law itself, the right of property in the soil was always virtually held, and exercised, in India by its Mussulman rulers. Ryots were suffered to remain in quiet possession, because the produce of their annual labors was indispensable to the wants of the state. Necessity on both sides was the only real tie between the parties; and no man acquainted with the state of India under the Mussulmans can, for a moment, pretend to assert, that law would protect a Ryot, in his supposed “perpetual right,” who, through caprice or otherwise, had been ousted by a despot ruler. We know, on the contrary, from authentic records, that thousands, aye millions, of wretched beings, have been driven from their ancient possessions by the rigors of Mussulman sway;

and that in provinces which have fallen into our hands, the more extensive occupants of lands, such as Zemindars, &c., only owed their continuance in office, or in possession, to the power of their own swords.

A proof of this right of property being practically considered as an appendage of Mussulman sovereignty is, that the British Government considered itself as succeeding to the same right in all the possessions it had acquired in India, whether by cession, or direct conquest. That this was a hasty assumption of right may now be more than doubted. That it is nevertheless, the plain import of Mussulman law, and the common practice of Mussulman sovereigns, is certain; and being a sovereign right, it may still be contended that, according to the law of nations, it naturally, and legitimately, fell to us on our succeeding to the sovereignty. But it is the *Mussulman* law of conquest; it is peculiar to the ferocious bigotry of that code; and if the laws of nations, as practised among civilized states, had been consulted, it would have been seen, that, though conquest gives to the conqueror the rights which appertained to the dethroned sovereign, still that law only contemplates such rights as are consistent with the principles of humanity and justice,

Of such a law, as the one we are now discussing, Vatel observes, “ some have dared to
 “ advance this monstrous principle, that the
 “ conqueror is absolute master of his conquest, that he may dispose of it as his property, treat it as he pleases ; and hence
 “ they derive one of the sources of despotic government. But enough of those who reduce men to the state of transferable goods, or use them like beasts of burden, who deliver them up as the property or patrimony of another man ; let us argue on principles countenanced by reason, and becoming humanity.” He then proceeds to shew, that a conqueror should rule his conquest according to the ends for which civil government is established. “ A generous conqueror will apply himself to relieve his new subjects, to alleviate their condition ; he will think it his indispensable duty. Happily sound politics here, and every where else, coincide with humanity. What fidelity, what assistance, can be expected from an oppressed people ?” This argument is illustrated by the interesting answer of the ambassador from Privernum, “ who on being introduced to the Roman Senate, the consul said, ‘ If we shew you clemency, what stress may we lay on the peace you are come to ask ?’ The am-

“bassador replied, ‘If you grant it on reasonable conditions, it will be safe and permanent; otherwise it will not last long.’*
 “Some took offence at the boldness of this speech, but the more sensible part approved of the Privernican’s answer, as having spoken like a man and a freeman.”†

On what ground, therefore, of justice, or sound policy, this right was assumed by the Company’s government, it may be difficult to explain. That it was the law, and the practice, of our predecessors, no one can doubt; but no one can also doubt the monstrous injustice of appropriating conquered lands, and conquered inhabitants, as moveable prize property; and transferring them, like beasts of the field, in free gift, as in some instances; and, for a price, as in others. Yet all this was done in the arrangements of the Zemindary,

* *Quid si pœnam (inquit consul) remittimus vobis, qualem nos pacem vobiscum habituros speremus? Si bonam dederitis, inquit, et fidam, et perpetuam, si malam haud diuturnam.*—Vatel, p. 356-7.

† The story in Livy (whence Vatel takes it) is, that the Privernicates were first asked what punishment they deserved for their revolt? to which the Ambassadors replied — “What those deserve who deem themselves worthy of liberty.” And it is added in Livy, that for this answer they had the freedom of the city granted to them by a vote of the people.

and Mootahdary, settlements; whilst the principle of the proprietary right of the sovereign is maintained in all our other revenue arrangements.

Upon the establishment of Courts of Justice in India, the Mahomedan law was still more extensively adopted, and held to be the rule of conduct for all the authorized native courts, subject to such modifications and improvements as the supreme government might think it expedient to authorize.

Although it was the law of our predecessors, still it was the law of only a fifth, or a sixth, part perhaps of the whole population of the countries we now govern. The remaining four-fifths, or five-sixths, had laws and usages of their own; which the Mahomedan code never did, for it never could, entirely supersede; and if conciliation was the object in view, it must surely be thought an odd way of conciliating the great mass of our subjects, to avow our predilection, and to adopt for their government, a system of laws, or any portion thereof, which openly condemns them to murder and slavery in this world, and to reiterated burnings in the next, that they may there “taste of sharper torments”—laws for which the Hindoos, in the daily course of their administration, could not

possibly have either “ veneration,” or common respect ; for, even under the Mahomedans, matters of a spiritual nature, and of property, between Hindoo and Hindoo, were appealed to their own Pundits. Criminal cases, and cases of property, where one party was a Mussulman, were alone decided in Mahomedan Courts ; and in these trials it may well be conceived that a Hindoo’s chance of success depended wholly on the liberality of his bribe.

But to return to the particular law here treated of. Being a law of conquest, or of war, it is, as before observed, properly an international law. Authors and commentators have, however, treated it as if it were an ordinary civil or municipal law, which every government has a right to impose on its own people ; as if the self-styled apostle had as good a right to legislate for the whole world as for his own followers. But being in fact a law of nations, to be valid as such, or obligatory on other states, it must be consistent with the laws of nature, of natural justice, of moral obligation. Wanting these, it is a dead letter. Brute force may impose it for a while, like other acts of violence, where there is no alternative but to submit ; but a law, like this, directed against other people, and

violating every principle of natural justice and humanity, ought never to have received a moment's consideration among civilized communities.*

The assertion, however, of this right of property, as an attribute of sovereignty, has given a character to landed tenures in India, which, as bearing on the present question, and as compared with other countries, deserves to be further noticed.

Of the Ryots, enough has been already said to prove, that however favourably the Mahomedan law may be construed, as regards their supposed legal rights, their actual condition and fate have been that of unmerciful oppression — massacred by thousands, and hundreds of thousands, in bigotry, or in cold blood — hunted down like beasts

* It is a singular fact that we should so readily have adopted Mussulman principles, and Mussulman systems, for the government of our subjects in India, when it appears to have been the policy of this country, for at least the two last centuries, to stipulate in express treaties with the Mussulman government of Turkey — a fac-simile of that of Hindostan — that our subjects residing there should live under the exclusive jurisdiction of our ambassadors and consuls; it being thought that, without this exemption from Turkish rule, no civilized merchant, possessed of capital, would dwell in a country subject to so barbarous a code.

of prey — exposed to the constant ravages of hostile armies — driven to the voluntary destruction of themselves, their wives, and children to avoid a more cruel fate — expatriated, as Wulsa, to be starved in the jungles — forced by the severities of their fate to become Pindaries, Décoits, or public robbers; or, if suffered to remain on their lands, subject to the covetous exactions of those who were placed in authority over them; and, in the enforcing of these exactions, to every species of indignity and torture. To talk of rights, where these atrocities were commonly perpetrated, is to make a mockery, not only of justice, but of common sense.

The author of the *Observations on the Law and Constitution of India*, mentions four tenures in Bengal, as “rent-free tenures;” the *Altumgha*, *Muddud Maash*, *Aycema*, and *Jagheer*.* These are obviously of Mussulman origin, but described by the author as illegal and fictitious claims, which have been erroneously recognized by the local governments of India. The *Jagheer*, being most extensive, is, of course, the most important. Although *Jagheers* were frequently granted by the Moghul emperors to favourites, and for various pur-

* These tenures, or appropriations, of land are briefly noticed before. *Vide supra*, p. 29.

poses, they were chiefly considered a military tenure, binding the Jaghiredar to the support of a certain number of troops. Under the Mahomedans they were only known as life-rent tenures ; and in the institutes of Timour renewable, on good conduct, every three years ; but being grants of land for the support of troops, they have been thought by some to have affinity with, or at all events resemblance to, the feudal tenures of ancient Europe, more especially as institutions strongly resembling those of feudal Europe have been traced in the Rajapoot, and other ancient Hindoo, territories. But Jaghiredars were not the only grantees obliged to attend the imperial standard. It would appear, from the Ayceen Akbery, that Zemindars did so also. The Zemindars of Bengal are expressly mentioned as furnishing, in Akbar's time, 23,330 cavalry ; 801,158 infantry ; 170 elephants ; 4260 cannon ; and 4400 boats. In the Soubah of Berar, several Zemindars are mentioned by name with the quota of troops commanded by each.*

The author of the Observations, gives a list of eighteen other titles, under which lands in Bengal and Bahar were alienated, and held

as “rent-free tenures.” The four first, however, viz. the Altungha, Muddud Maash, Ayeemah, and Jagheer, are the only ones considered as royal grants. The other eighteen have no other sanction than the gift, or grant, of Nazims, Amils, Zemindars, or other local officers in authority.* Our author calculates

* The reader will judge of the nature of these tenures from the subjoined list, taken from the work referred to, p. 75—78.

1. *Nusseré durgah* — for maintaining places of worship.
2. *Kharijé Jumma* — Land excluded from the revenue, and sold by the Zemindars.
3. *Maafée* — Lands exempted on the authority of the Nazim or Zemindar.
4. *Sir Shikun* — Land granted in charity by Zemindars, Chowdries, Canongoes. It is, however, a grant of parcels or portions of land to some public functionary of the village — the priest, or perhaps the village washerman or plough maker, to induce him to reside there. It is taken a little and a little from each Zemindar or head — *i. e.* breaking a little off each head, and so called *Sir Shikun*, head-breaking.
5. *Khyrawtee* — Land given in charity by the Amil, Zemindar, or Nazim.
6. *Nankar* — Stated to be land given by the Amils, or Nazim, or Zemindar, Chowdry, or Talookdar, for some service performed. This is distinct from the Nancar allowance (*p. 32 and 58*), granted to Zemindars.
7. *Enam* — Land given by Zemindars or Amils as a favour.
8. *Chakaran* — Service lands. This grant may be by a Hindoo or Moslem.

the loss of revenue to the Company on lands thus fraudulently alienated in the “ceded and “conquered provinces,” and in Bengal, at about two and a half millions sterling per annum; and denies the titles of all without reserve; it being clear, according to his conception of the Mahomedan law, that neither the sovereign, nor his provincial agents, had a legal right to dispose of the property in these lands, or any thing more than the *Khuraj*, or government revenue.

To discuss the strict legality of this right would be but a waste of words. It is clear that the right was exercised without reserve

9. *Mohturan* — Lands set apart for the maintenance of a great or revered person or place. A Hindoo grant.
10. *Peeran* — Lands set apart for a confessor or spiritual guide. - - - A Moslem grant.
11. *Fukeeran* — Ditto, to support Fakeers or religious mendicants. - - - ditto.
12. *Cheraghee* — Ditto, to maintain lamps burned at the shrines of saints. - - A Moslem grant.
13. *Burmooter* — A grant of land to a Brahmin. Hindoo grant.
14. *Bhoguwitter* — A maintenance to any person. ditto.
15. *Bhatotur* — Ditto, for the Bhaat Brahmins. ditto.
16. *Bishnotter* — A grant of land for the worship of Vishnu. ditto.
17. *Dewotter* — Ditto, for the expence of a deity. ditto.
18. *Nijjote* — Land reserved by the Zemindar, and excluded from the *Jumma* for cultivation under himself. Of the same nature as *Khomar* mentioned in page 57, *supra*.

by emperors, viceroys, and their deputies, all over Hindostan, and the Deccan. The probability indeed is that in densely peopled agricultural countries, like India, where no proprietor is acknowledged, save the sovereign, alienations and appropriations of land could not have been prevented. Bribery, collusion, or favouritism, especially in the more distant parts of the empire, would elude the utmost vigilance of a sovereign proprietor; whilst it is no slight proof of the opinion in which this right, or power, (call it which you please) was held by the grantees, that, in all the instances quoted, none ever sought the concurrent sanction of Ryots; but looked to a despot's seal, or to that of his minions in office, to render what they had thus appropriated, or acquired, a valid and secure property.

In the preceding enumeration of tenures, as well as in the list of the various levies from land noticed in *pages 27–35*, we may see how the adoption of one bad principle begets a minor offspring, supporting, and encouraging each other, but all dependent on the parent stock. In political error, as in moral sin, one transgression leads to another, till a host at length spring up into existence, and ultimately form a kindred association, to complete the dominion of evil.

It is, however, to be kept in mind, that these are the only tenures of which any official account was preserved in Bengal on its becoming subject to the British power; that their origin, with a few exceptions is of no greater antiquity than the financial system, and peculiar administration, of the Mahomedans, who have audaciously proclaimed to the world that a conquest by Mussulman arms absolutely annihilates every existing individual right in the inhabitants conquered, so as to leave both person, and property, at the mercy of the victor.

SECTION XII.

Discoveries in respect to landed proprietary rights of great antiquity, in various parts of India, equally perfect, though variously denominated in different districts. Estates in severalty, and in co-partnership—description thereof. Different orders of persons employed in cultivation of lands.

BUT, in other parts of India, tenures of a different description came to be discovered, whose origin clearly belongs to times antecedent to the Mahomedan conquest; and which establish, beyond all dispute, the important fact that the real property of the lands was formerly vested in individual landlords, whose exclusive right of selling, mortgaging,

leasing, bequeathing or otherwise disposing of their lands, no Hindoo sovereign, viceroy, or other person in authority, ever thought of disputing; that this was consequently an hereditary right; and in full force, and invariable usage, till the arrogant pretensions, and barbarous exactions, of the Mussulmans caused it to be absorbed in the general annihilation of private rights, which every where marked the full establishment of their power.

The existence of private property in the soil, perfectly independent of controul, and interference, on the part of the sovereign, was first discovered in Malabar, shortly after the cession of that province by Tippoo in 1792; but it was not till 1799, that it attracted the particular notice of the Madras Revenue servants. The first mention we find of it, in the printed official records of the Company, is in a report of Mr. Place, whose able administration of the Jaghire has been before mentioned. The term used to express it is *Meerats*, or *Meerassy*. When Mr. Place entered upon this charge in 1796, it was maintained by government, as a doctrine not to be disputed, “that the actual property in the soil was
 “vested in the state, which alone had the
 “power of making an absolute sale of the
 “land — that the occupants of land in India

“ could establish no more right in respect
 “ to the soil than the tenantry on an es-
 “ tate in England can establish a right to
 “ the land by hereditary residence;”—whence
 Meerassy was defined to be nothing more
 than “ a preference of cultivation, derived from
 “ hereditary residence, but subject to the right
 “ of Government as superior lord of the soil
 “ in what way it chooses, for the cultivation of
 “ its own lands.”* This being the doctrine
 of the day, was naturally also the impression
 on Mr. Place’s mind, till the result of his in-
 telligent enquiries led him to an entire change
 of opinion ; and in a very able report of the
 6th of June, 1799,† he endeavours to prove,
 that the supposed “ preference of cultivation”
 was an hereditary right tantamount to that of
 fee-simple, with which he accordingly com-
 pared it, and as existing from time immemo-
 rial in individual landlords, called Meerassy-
 dars. He then explains how these estates
 were cultivated by tenants for life, for
 leases of years, and at will ; and by slaves ;
 but still unable to divest himself of the
 rooted impression of the sovereign’s para-
 mount proprietary rights in the soil, he con-
 siders these Meerassy estates to have been

originally granted by the sovereign, subject to the performance of certain conditions by the Meerassydar—in other words, subject to the payment of a certain portion of the produce as revenue.

The same, or similar, rights were afterwards traced in Tanjore, Tinnevely, Canara, and other provinces, where the Mussulman power had not wholly obscured or extinguished them; and where the titles to private property in land were ascertained to be as full, and clear, and supported by deeds more ancient, and probably more perfect, than in Europe; and where it is recorded, of the extraordinary devotion of these Indian proprietors to their hereditary ancient possessions, that they would at all times “as soon have parted with their lives as their “ landed estates.”

This right is denominated in the Sanscrit language, *Swastrum*, or *Bhogam*,* or *Swamy Bhogum*; in the Tamul, *Caniachy*; † and in Persian or Arabic, *Meerass*, ‡ all of them be-

* *Swastrum* — One's own property; landed property or inheritance. *Bhogam* — Enjoyment, possession: *Swami Bhogam* — the lord's enjoyment or possession; the lord's right as proprietor. Quit rent, or acknowledgment of proprietary right.

† *Caniachy* — A term used in the Peninsula to signify landed inheritance or property.

‡ *Meerass* — Heritage, patrimony.—Gloss. 5th Rep.

ing interpreted to denote proprietary right or property, in the fullest and strictest sense of the term.

The term Meerass and Meerassee is that most commonly used in the official records of Madras to denote this right; the possessor of it being called Meerasseedar; and being a Mussulman denomination, it is clear that its existence was known to those conquerors; but gradually lost sight of in all cases where Hindoo right, and Mussulman might, had to contend for supremacy.*

The Peninsula of India being for the most part divided into villages, and village communities, this right is found very generally

* In the Appendix to Rouse's Dissertation on the landed property of Bengal, a translation is given of two Firmauns, by the Emperor Aurungzebe, addressed to provincial Dewans. In these, the proprietary right of individuals to landed estates is repeatedly mentioned — in one instance the right of a proprietor even to sell his land is adverted to. It is clear, therefore, that this right was not unknown to the Mussulman authorities, but little cared for, or regarded in the course of their extortions. The Firmaun, indeed, here alluded to, authorizes the Dewan to collect one-half the gross produce of the soil as a land-tax; and though he is enjoined not to exceed this rate, no one can believe that he would ever take less. The consequence to the unhappy landlord was the entire absorption of every thing in the shape of rent, leaving him the possession of a right equivalent to a non-entity.

to exist in three distinct states. It is thus described, for example, in Tanjore, consisting of 5783 villages.

Villages.

“ Yeikabhogam, or villages, in which
 “ one individual holds the entire undi-
 “ vided lands - - - - - 1807

“ Palabhogam—villages, the property
 “ in the land of which is held by several
 “ persons ; each, however, possessing his
 “ own land as a separate property, and
 “ always holding the same spots of land - 2202

“ Samadayum—villages, the landed
 “ property of which is held in common
 “ by all the Meerassydars of the villages ;
 “ each, however, possessing his propor-
 “ tion of the common stock, but not
 “ possessing a claim to any particular
 “ spot of land, beyond the period for
 “ which it is usual to make a division of
 “ the whole cultivation - - - - - 1774

Total 5783

Of the lands thus held in copartnership, or where all the lands of a village* belonged

* The term “ Village ” is thus used to denote, not a small assembly of houses, but a subdivision of country, of which the word Canton, or Parish, would give a more correct idea to an English reader.

jointly to all the Meerasseedars : it is explained by writers on this subject, to be a natural consequence of the Hindoo law of inheritance, by which landed property descends in equal shares to all the male children of a family ; whence the divisions, and subdivisions, would in time become so minute as not to be worth the exclusive attention of each proprietor. Many, therefore, would seek other pursuits ; leaving their lands to be cultivated under the direction of the principal occupants of the village, but for the common benefit of all interested. This is the cause commonly assigned for the institution of a village copartnership. It may, however, have been partly occasioned by the necessity of associating for common defence against oppressive or rapacious rulers ; or it may have been the extension of a primitive usage, natural enough to infant societies, who, in the pastoral state, or emerging therefrom, have very commonly formed themselves into village associations, for their own government or defence, with a common right and interest in the lands attached to each community ; a usage which the Hindoo law of inheritance would, in its operation, be well calculated to perpetuate.

Whether one, or all these causes contributed to establish the system of village co-

partnership is immaterial. The proprietary right of the copartners was always unquestioned. Each Meerasseedar could sell, mortgage, or bequeath, his interest in the common property; the only difference, in this respect, between the co-partner, and the single proprietor, being, that what the latter does *per se*, the other must do with consent of his fellow-Meerasseedars, to give validity to the transaction.

In other parts of the Madras territories, the co-partnership tenure is called Pasung Carei, in contradistinction to Arudi Carei, or tenure in severalty. In Pasung Carei, it is usual for the inhabitants to assemble every seven, ten, or twelve years, according to custom, *draw lots* for the lands they have cultivated, and interchange the same accordingly among each other. There is, however, in every village, a spot of ground called Nattam, on which the houses of the Meerasseedars *must* be built. To each house is attached a small portion of ground called Peshacadei, held rent-free, and used as a yard or kitchen garden. This is exclusively the proprietor's own, not held in common, neither is it transferable, unless the whole Meerassy be sold.

Of Meerasseedars generally, it may be added that they were considered the most honourable part of the community, entitled to direct the affairs of the village, to stand forward in discussions with the Circar, to take the lead in festivals, &c. The possession of Meerassy is also evidence of antiquity of family, and prized as highly in the Eastern, as the Western world. Mortgages and assignments of land by Meerasseedars are also in common use.

Meerassee estates are of various amount and value. In the provinces of Tanjore, and Trichinopoly, they are found to exist from 4000 acres down to one acre of land. The smaller properties are, of course, cultivated by the Meerasseedars themselves ; but the larger by tenants called Pyacaries, or Paracoodies. Of this tenantry there are two descriptions—the common Paracoody,* is a temporary tenant, generally from another village, employed by the Meerasseedar to cultivate his Meerassee for a year or a given period, at the expiration of which his connection with the land ceases, or continues, at the will and pleasure of his

* *Parakoodi* (*Tamool*) — from Para, another ; and Kudi, villager or husbandman.

Meerasseedar. The *Ool Paracoody** is, on the contrary, a fixed or permanent tenant, having an hereditary right of occupancy derived from long residence on the estate, or secured by deed, and likewise from claims to remuneration on account of services rendered, money lent, or improvements made on the estate. Attached to each village, or estate, is a certain portion of waste land, which serves for common pasture to the Meerasseedar, and his tenants.

The *Ool Koodys* have been compared by some writers to the ancient copyholders of England, as deriving their titles from long residence, and occupancy ; and because they enjoy the right of cultivating the soil by prescription, their ancestors having done so for many generations ; and cannot be forced away from the village at the will of the Meerasseedars, as long as they perform the condition of the tenure, which is here the payment of their rents. This is compared to what in Europe was called “ the custom of the manor,” which Blackstone also admits to be the origin

* *Ool Paracoody*, or *Ool Koody* (*Tamool*) — from *Olai*, the leaf of the *Palmira* tree, on which a deed, letter, or lease is written ; and *Kudi*, a tenant or husbandman.—Gloss. 5th Report.

of copyholds.* Ool Koodys cannot sell, mortgage, or transfer their right for a valuable consideration. In default of heirs, too, the lands or rather the right of occupancy, as in the ancient copyhold, reverts to the Meerasseedar.

But this cultivation by Koodys, is a more exact counterpart of the “book-land” and folk-land,” of our Saxon ancestors, and which are thus described by Blackstone. “First, *book-land*, or charter-land, which was held by deed “under certain rents and free services, and “in effect differed nothing from free socage “lands; and from hence have arisen most of the “the freehold tenants who hold of particular “manors, and owe suit and service to the “same. The other species was called *folk-land*, which was held by no assurance in “writing, but distributed among the com- “mon folk or people at the pleasure of the “lord, and resumed at his discretion, being “indeed land held in villenage. The residue “of the manor, being uncultivated, was “termed the lord’s waste, and served for pub-

* “This (copyhold) is called a base tenure, because it holds “at the will of the lord, yet not simply, but according to the “custom of the manor, so that if a copyholder break not the “custom of the manor, and thereby forfeit his tenure, he “cannot be turned out, of the lord’s pleasure.”—Cowel.

“ lic roads, and for common of pasture to the lord and his tenants.”*

Where lands are cultivated by Parakudis or Pyacaris, they are often divided according to the number of ploughs possessed by each ; and in this usage we have also that of the Anglo Saxons, who divided their lands into *Hides*, each comprehending what could be cultivated by a single plough.

Common labourers are employed in the cultivation of land ; and slaves are numerous all over the country, who bear a strong resemblance to the villeins of ancient Europe. They are attached to the land, and transferable with it from one Meerasseedar to another. In the event of desertion, or being purloined, they may be claimed by the original proprietor like beasts, or other chattels. They are in general, however, well treated, and consequently as contented as slaves can be expected to be.†

In the Southern Pollams there are also

* See also Du Cange at the word “ Liber,” where he says that “ Boc-land, or Land-boc, was anciently in England denominated Frehold.”

† In ancient Europe, some villeins were absolute slaves. “ Under the Saxon government there were (as Sir William Temple speaks) a sort of people in a condition of downright servitude, used and employed in the most servile works, and

co-partnership villages called Agraharah Vadiky, and Pundara Vadiky ; the one occu-

“ belonging, both they, their children, and effects, to the
“ lord of the soil, like the rest of the cattle or stock upon it.”

But villeins might be enfranchised by manumission ; and some held lands of their lords subject to the payment of a pecuniary rent, in lieu of the base services performed by bondmen or slaves.

“ In process of time they gained a considerable ground on
“ their lords, and in particular strengthened the tenure of
“ their estates to that degree, that they came to have in them
“ an interest in many places full as good, in others better,
“ than their lords. For the good nature and benevolence of
“ many lords of manors having, time out of mind, permitted
“ their villeins, and their children, to enjoy their possessions
“ without interruption, in a regular course of descent, the
“ common law, of which custom is the life, now gave them
“ title to prescribe against their lords ; and on performance of
“ the same services, to hold their lands in spite of any de-
“ termination of the lord’s will. For though in general they
“ are still said to hold their estates at the will of the lord, yet
“ it is such a will as is agreeable to the custom of the manor ;
“ which customs are preserved and evidenced by the rolls of
“ the several courts-baron in which they are entered, or kept
“ on foot by the constant immemorial usage of the several
“ manors in which the lands lie. And as such tenants had
“ nothing to shew for their estates but those customs, and ad-
“ missions in pursuance of them entered on these rolls, or the
“ copies of such entries witnessed by the steward, they now
“ began to be called *tenants by copy of court roll*, and their
“ tenure itself a *copyhold*.”—Enc. Brit. Art. Villenage. Of
tenants thus raising themselves to the condition and rights of
proprieters, many examples may be found in various parts of
India. (*Vide p. 256 and 272, infra*).

pied chiefly by Brahmins, the other by inferior
 casts; but the landed rights in each are the
 same. Villages, under these denominations,
 are described by the collector to be the “ ab-
 “ solute proprietary right” of the inhabitants.
 “ It has been acquired (he adds) in various
 “ ways, but chiefly, *it is presumed*, by rulers,
 “ or other personages of rank and opulence,
 “ giving them originally as endowments to
 “ village communities; and by buying them
 “ from others for this particular purpose.
 “ This property has, of course, in the lapse
 “ of so many years, undergone many changes,
 “ and has been invariably transferred, sold,
 “ and purchased at the pleasure of the own-
 “ ers. It is essential to the validity of every
 “ transfer, that it be sanctioned and authen-
 “ ticated by every individual concerned in
 “ the property of his village. The property
 “ itself is denominated Pung, or Banghum,
 “ literally signifying share and proportion.
 “ Four of these Pungs constitute what is
 “ termed a Caray; and each village is said
 “ to consist of so many Pungs, and each in-
 “ dividual share of so many Carays. The
 “ right of property in the proportion of these
 “ shares is ascertained in the village register.
 “ The right of Caray rarely conveys a right
 “ to any proprietor to any specific spot of

“ land in perpetuity ; and whenever this prac-
 “ tice prevails, it seems a departure from the
 “ original institutions. The property of the
 “ whole village is common to the whole num-
 “ ber of proprietors. Every transaction of
 “ revenue, every matter of loss and gain, is
 “ common to them all, to the extent of their
 “ respective shares ; and as they are all
 “ jointly and separately responsible for the
 “ revenue of the village, according to the
 “ strict construction of their tenures ; so they
 “ are all alike equally entitled to any emo-
 “ lument or advantage which may arise there-
 “ from. So tenacious, indeed, are they of this
 “ established right, of every village benefit
 “ being in common, that a *sort of lottery* takes
 “ place at stated times, to make a new dis-
 “ tribution of village lands, by which they
 “ change owners for a certain period, until
 “ the *lottery* is renewed. By this means they
 “ generally continue to pass from one pro-
 “ prietor to another, so as to exclude, effect-
 “ ually, indeed, the right of any particular
 “ spot, but to establish the right of the ge-
 “ neral body to the whole village in common.”

To shew the sense which the natives them-
 selves entertain of their own right in this
 common property, the collector gives the
 translation of a deed of sale of one of the

shares, and which runs as follows :—“ I A. B.
 “ of the village of C., containing 28 shares,
 “ do hereby execute to D. E. of the same vil-
 “ lage, this deed of sale ; that is to say, having
 “ sold to you in this village, one share of my
 “ own six shares therein, I do hereby execute
 “ to you this deed of the full and absolute sale
 “ thereof; and you having further paid, and
 “ I having actually received 100 Chuckrums
 “ duly shroffed in full value thereof, you are
 “ accordingly, to the extent of the share now
 “ transferred and sold to you, fully to possess
 “ and enjoy all Nunjah, Punjah, islands,
 “ water, stone, topes,* jungles, riches, treasure,
 “ and every well which sinks beneath, or
 “ every tree that rises above the earth, with
 “ every general benefit of every sort from
 “ father to son, through every generation, as
 “ long as the waters of the Cauvery flow,
 “ vegetation lasts, or until the end of time ;
 “ with the fullest liberty, likewise, of alien-
 “ ation by gift, bequest, sale, or otherwise ;
 “ and may you enjoy all prosperity there-
 “ with. — This, with my fullest approbation,
 “ I do hereby execute to D. E. this deed of
 “ sale, which is written by Permal Pilly, vil-

* Topes — groves.

“lage conicopla;*” and this requires authentication from all the other proprietors of the village.—Signed,” &c.†

We have here proof of the immemorial existence in India of allodial landed rights, the origin of which would seem to be lost in the remotest antiquity; for as to the collector’s “*presumption*” that these estates were originally granted to the village communities by princes and other personages of rank and opulence, there is neither document, nor tradition of any kind, to support it. We might, with greater probability (for we have analogy to guide us), refer the origin to an early pastoral state, in which, as in ancient Germany (as we shall see presently), and all other similar states of society, common occupancy is a natural characteristic of primitive landed possessions. Neither would a doubt exist in the present day as to the true allodial character of landed property in India, were not our notions still confounded and leavened by the old absurdity of a sovereign’s paramount proprietary right, and the fear (however groundless) lest, in abandoning it, we may also sa-

* Conicopla—writer or clerk.

† 5th Report, App. p. 826.

crifice the only existing fund of supply to the indispensable exigencies of the state.

SECTION XIII.

State of landed property in Canara ; how affected by Mussulman conquest ; and subsequent dominion of the British Government.

IN Canara and Malabar, the same imprescriptible rights of proprietorship have been found to exist from the most ancient times ; and, in these provinces, perhaps more precisely and fully attested than in others ; as these countries were not entered by Mussulman armies previously to the invasion of Hyder Aly in 1763 ; and may, therefore, be supposed to have retained their primitive institutions in full force and purity.

Of these provinces the fifth Report observes that “ the lands in general appear to “ have constituted a clear private property “ more ancient, and probably more perfect “ than that of England. The tenure, as well “ as the transfer, of this property by descent, “ sale, gift, and mortgage, is fortified by a “ series of regular deeds equally various and “ curious ; and which bear a very strong resemblance in both parts of the country.”*

* 5th Report, p. 130.

So perfect was this right, that when lands were mortgaged to the fullest extent of the rent, and the whole estate substantially transferred to the mortgagee, the proprietor or his heirs could at any time, however distant, resume it on paying off the just claims of the mortgagee. In like manner, if a proprietor absconded on account of a debt to government, and that his lands were transferred to another, he could at any time return, and resume possession on payment of the debt.* Even crimes and offences occasioned no forfeiture of this property. Whatever might be the punishment, or the fate of a criminal proprietor, the right of the heir to the succession remained unimpeached. These provinces so far differed from the other countries above described, that we find in them no village communities, or copartnerships. The lands are possessed by individuals, or separate families, residing apart on their own estates, and having no rights in common.

In the province of Canara, the landed proprietors, or landlords, are, according to the

* Mr. Ellis quotes some Hindoo authorities, whence it would seem the right of resumption is limited to three generations, or 100 years, which is somewhat vaguely expressed to be co-extensive with the period of memory.—*Mad. Rev. Sel.* p. 817.

Fifth Report, called Nair Mul Guenies — corresponding with the **Meerasseedars**, or **Swamy Bhogumdars**, of **Tanjore**, and other parts of the Peninsula.

Under the proprietors^{*} are tenants. Of these there two classes; one termed **Shud Mul Gueny**, or tenant in perpetuity; the other **Chalie Guenie**, or tenant at will. The **Shud Mul Gueny** is irremoveable by the superior lord, on payment of a fixed rent for his land. The tennre depends on long possession, or on mortgage, or an expenditure for improvements, or the cultivation of waste lands, or sometimes on purchase; in all which cases as long as the rent is paid, the occupancy of the **Shud Mul Gueny** is secure, and may be transferred, or disposed of by will. If the tenant dies without heirs, his lands revert to the superior landlord; and in case of surrendering his lands, or being removed from them, the landlord is bound to reimburse the tenant for whatever may have been advanced in the way of loan or mortgage, or expended for improvements, on the estate.

The **Chalie Guenies** are tenants at will, holding lands under the other or permanent tenants. The **Chalie Guenie** may therefore be compared to the **Paracoody**; and the **Shud**

Mul Gueny, or tenant in perpetuity, to the Oolkoody or Ool Parakoody of Tanjore. Instances are not uncommon where Chalie Guenies, after a long occupancy — generally fifty years — or improvements made on the land, have been raised to the state of Shud Mul Guenies, and in such cases succeed of course to all the rights of the permanent tenantry. Guenies would also naturally step in to all the rights of proprietorship, in cases where, from revolution, conquest, or other cause, the original proprietors had wholly disappeared. Under the Chalie Guenies again are slaves attached to the soil, as in other parts of India.

There are, as before observed, no village communities in Canara. The property in the soil rests in individuals, or in families. Some lands are held in the name of Pagodas; some in the name of one person who manages for several; and some lands, which have escheated to government on failure of heirs, are held of the government under the Shud Mul Gueny tenure.

When this province became subject to the king of Vijayanuggur, Hurryhur Roy,* an assessment of the lands was made on the prin-

ciples, it is said, laid down in the Shaster, according to which two and a half Katties (measures) of seed, yielding thirty measures of Paddy (rice), were computed to be divided in the following proportions.

To the landlord	- - -	7½ or 25 per cent.
cultivator or labourer		15 or 50
Sirkar (government)		7½ or 25 *
		—
		30

Annexed to a report of the principal collector of Canara of the 31st May 1800, is an historical abstract statement of "land rent" in Canara and Soonda, shewing the changes it had undergone from the year 1660, to the then current year 1799-1800, which the reader may refer to in the 5th Report.† This document is worthy of particular attention, from its establishing certain facts of great importance in the present discussion. In a report by Mr. Thackeray dated 4th August 1807, ‡ an abstract of this abstract is given, which, for brevity's sake, I shall here use in preference to the other; the figures in both being the same. It is as follows:—

* The Shaster only gives one-sixth to the Circar, and not one-fourth as here stated.

† Vide 5th Report, p. 809.

‡ Ibid. 824.

The assessment above-mentioned of the Vijayanuggur government remained, it appears, without alteration till the province was tranferred to the Bednore government, about the middle of the seventeenth century. The Bednore government made some additions to the revenue ; so that in 1660, the Vijayanuggur and Bednore assessments together formed the standard revenue, called Rekha or Shist ; and which amounted

In Canara, to Pgs. 202,229 29 47 = £80,891

Soonda - 44,393 20 45 = 17,757

Total stand. Shist 246,623 14 12 = 98,649

This remained, for near a century, the land tax of Canara ; but in the eighteenth century, the Bednore government laid on additional cesses, and raised the land tax, to - - Pags. 314,007 4 52 = £125,602

But Hyder, in the true spirit of Mussulman conquest and exaction, raised the revenue after his invasion of Canara in 1763, to - - Pags. 533,202 4 17 = £213,281

Whilst Tippoo by extra assessments, and new heads of revenue, attempted to extend

it to - - Pags. 868,678 25 16 = £347,471

But deducting what could
never be collected - 252,589 22 76 = £101,035

There remained for Tippoo's
"standard assessment," as it has
been called - Pags. 616,089 2 2 = £246,435

This sum was, however, a nominal assessment; for Tippoo, owing to the oppressive exactions of his own and father's government, and the consequent destruction or expulsion of great numbers of the inhabitants, never collected more than Pags. 473,550 3 12 (189,420*l.*); and of that about 25,938 Pags. (10,375*l.*) arose from the sale of grain, and items not properly of land revenue. His actual Jumma, therefore, was only - Pags. 447,612 = £179,045

Major Munro, then principal collector, took, however, this settlement as the basis of his assessment of Fusly, 1209, corresponding with A.D. 1799-1800; and after deducting some items, and adding others, fixed the assessment of the year, at 465,148 33 64 = £186,059

From the preceding statement, the following facts are deducible:—

First. It is stated, that a public revenue

was always derived from these lands, under the ancient Hindoo governments; but the amount, as well as the encrease, by the Bednore government may, I think, be ascribed, with great probability, to the wars in which the Vijeyanaggur and Bednore states were constantly engaged, and particularly with the Mussulman sovereigns of the Deccan. I incline to this opinion, because in the neighbouring provinces of Malabar, whose primitive institutions very much resembled those of Canara, no such thing as a land-tax was ever known until the days of Hyder Aly and Tip-poo Sultaan; and, because, in Mr. Ellis's justly celebrated Meerassy paper,* it is expressly stated, to have been the case in Canara, until subjected to the Vijeyanaggur government, when a general assessment was laid on the lands as above stated.

Secondly. That under the Hindoo governments, when the landlords, or Nair Mul Guenies, were supposed to derive a rent from their estates equal to 25 per cent. of the produce, the public revenue only, amounted to - - - - - Pages. 246,623

Thirdly. That when Hyder Aly, acting on

* Mad. Rev. Sel. vol. i. p. 814.

the principles of the Mussulman law of conquest, more than doubled the revenues, by encreasing them to - - Pags. 533,202

It is clear that he must have absorbed, in this assessment, not merely all the net rent of the proprietors, but all the shares of all the Guenies put together; leaving nothing but a bare sufficiency to save from starvation those who chose to become labouring cultivators of the soil. But

Fourthly. His son, Tippoo, not content with these exactions, wished to raise the revenue to - - - - Pags. 368,678

or nearly four times the amount of the Bednore assessment. But finding it impossible to realize this amount, it was reduced to - - - - - Pags. 616,089

of which, however, from the then distracted state of the country, he could only collect about - - - - - Pags. 447,612

Lastly. This excessive exaction was adopted by a British collector, as the basis of his assessment for 1799-1800; and which was accordingly settled for that year, at - Pags. 465,148

but the "*standard*" assessment, as it is called,

of Tippoo, or 616,089 Pags. was always kept in view at every future annual settlement. Whether collectors have yet attained the “standard” rate, the printed documents do not precisely shew;* but the assessment of

* All that I can collect from the records now in print is, the certainty that constant additions were made even to this excessive exaction — but not the precise amount. The 5th Report, p. 132, has the following remark on it: — “By the operation of this fixed and *moderate tax*, by discoveries of concealed cultivation, and other clandestine advantages, and by the extension of agricultural labours, it appears that, at the expiration of 1807-8, including a period of nine years, since the province (Canara) was obtained, an aggregate increase had taken place in the collections, amounting to 813,901 Star Pags., in which was included the receipts from other heads of revenue, independent of the land tax, and exhibiting an average increase of 101,737 Star Pags.” If this is intended to express the amount of annual Jumma in 1807-8, it would give for the land-tax alone 712,164 S. Pags.; whereas in the minute of the Madras Board of Revenue of 5th July, 1818, (p. 897-8, Mad. Rev. Sel.) the land revenue of Canara is given in one paragraph at 487,366 Pags., and in another at about 520,000 Pags. It is, however, distinctly admitted in this document, that the *full amount* of Hyder’s Jumma (533,202 Pags.) is to be the maximum of demand on all the lands of the province; and as such entered in the individual Pottahs, given annually to each Ryot under the collector’s seal and signature. Notwithstanding the excessive amount of this revenue, and its progressive increase, in a province avowed to be in a state of great distraction and poverty when it passed into our hands, there were not wanting persons in 1807-8 so partial to their own acts, or those of

of 1799-1800, is sufficient of itself to furnish a perfectly intelligible version of what is

their fellow-servants, as to represent, and probably to believe, that “satisfaction prevailed throughout the country — a common improvement was exhibited among the people in dress, living, and other personal comforts; and the revenues were realized with singular punctuality.” A very different picture, however, is given of the state of this province by the Madras Rev. Board in 1818, which I here subjoin, that the reader may, with the facts before him here detailed, judge for himself.

“To the practice of loading the lowly assessed or industrious Ryot with the tax of his less fortunate or more improvident neighbour (condemned by the very officer who adopted it as both impolitic and unjust), to the *consumption** of a maximum standard of assessment much beyond the capability of the country, even at the period of its greatest prosperity, to the gradual approximation made to this high standard in the actual demand on more than half the landed property in Canara, and to the annual variation, and consequent uncertainty, in the amount of the assessment on individual Ryots, as much as to any temporary reduced value of produce, or the imposition of new indirect taxes, are to be ascribed *the decline in agriculture, the poverty among the Ryots, the increased sale of landed property by the landlords, the difficulty of realizing the collections, and the necessity, before unknown, of disposing of defaulters’ lands in satisfaction of revenue demands, which, after fourteen years’ residence in Canara, at length constrained the late collector to record his conviction, that the present assessment is beyond the resources of the province.*”—Mad. Rev. Sel. vol. i. p. 898.

meant, in Eastern finance, by the term “just and moderate Jumma.”

It is moreover stated, in treating of this settlement for Fusly, 1209, A.D. 1799-1800, that “Canara had been almost desolated by
 “ many years of oppressive government, and
 “ latterly by the confusion which the war
 “ with the English had occasioned.” We have here, indeed, a curious specimen of the language in which opposite biasses will describe the same, or analogous, transactions. The spirit, which assails with honest indignation the atrocities of former despotisms, is softened into mild complacence where our own acts are the theme, and which we have some particular motive to approve. The principal collector of Canara describes the effects of the assessments by Hyder and Tippoo in the following terms—“The evils
 “ which have been continually accumulating
 “ upon it (Canara) since it became a province
 “ of Mysore, have destroyed a great part of
 “ its population, and rendered its remaining
 “ inhabitants as poor as those of the neighbouring countries. It may be said that
 “ this change has been brought about by the
 “ invasion of Hyder ; by the four wars which
 “ have happened since that event, by Tippoo
 “ himself destroying many of the principal

“ towns upon the coast, and forcing their in-
 “ habitants to remove to Jumalabad, and
 “ other unhealthy situations near the hills;
 “ by seizing in one night all the Christian
 “ men, women, and children amounting to
 “ above 60,000, and sending them into cap-
 “ tivity to Mysore, from whence one-tenth of
 “ them never returned; by the prohibition of
 “ foreign trade, and by the general corrup-
 “ tion and disorder of his government in all
 “ its departments. These circumstances cer-
 “ tainly accelerated the change; *but taken*
 “ *altogether they probably did not contribute to*
 “ *it so much as the extraordinary augmentation*
 “ *of the land rent.*” *

Again he observes, “ Had such an assess-
 “ ment as that introduced by Hyder and
 “ Tippoo existed in ancient times, Canara
 “ would long ago have been converted into a
 “ desert.” Yet strange to relate, this aug-
 mented land-rent, so pregnant with mischief
 in the hands of our Mussulman predecessor—
 this Jumma, which Lord Teignmouth would
 rightly denominate “ mere pillage and rack-
 “ rent” — was deemed sufficiently just and
 moderate in the hands of British collectors
 to be made the basis of our revenue system,

* 5th Report, App. p. 807

and to be recommended in the very same report * as that above quoted for present adoption, whilst its utmost amount of exaction under Tippoo was afterwards held forth as a maximum which future collectors were encouraged to realize.

It is thus that our revenue systems provide for the “happiness and prosperity” of the natives of India. Their good is always the avowed object. Professions abound, and good

* It is but justice to Col. Munro to add, that this settlement was recommended by him in opposition to his own better judgment. His words are as follows : — “ However much I disapprove of the numerous additions made to the ancient land-rent by Hyder and Tippoo, I did not think myself at liberty to depart widely from the system which I found established, as it is the same as that which exists in all the provinces which the Company have acquired in the last and former war. I have made no other reduction in the assessment of Tippoo Sultaun than such as was absolutely necessary to ensure the collection of the rest. *I consider myself merely as a collector who was to investigate and report on the state of the country, but who was to leave it to the Board to decide as to the expediency of lowering the assessment.*”

In another report, 27th Jan. 1800, (Mad. Rev. Sel. vol. i. p. 898.) Col. Munro observes ; — “ I thought the rents too high (in Canara), *as I think they are in every part of India that I have seen* ; but I conceived it belonged to the Board, and not to me, to determine what part of them it might hereafter be proper to reduce.

intentions, I admit, are for the most part sincere. But the means adopted are an absolute bar to the accomplishment of our own wishes. The indispensable wants of government must be supplied. A system, which inseparably links the great mass of the people with pauperism and beggary, is consequently enforced; and because human beings so fettered *cannot* improve their condition, we think to relieve our own responsibility by illiberally charging the evil on immutable prejudices, and supposing, or pretending to suppose, native Indians to be naturally incapable of moral improvement.

At all events we have, in the preceding statement, a series of recorded facts to shew how the Mussulman financial system absorbed all landed property by destroying individual rights, and how obviously it tended to obliterate, in a generation or two, the whole class of landed proprietors. It also shews, how this evil is perpetuated by the principles of our own administration; and, lastly, the effect of the system on the minds of our best collectors, when such a man as Colonel Munro finds it necessary to adopt, for his own Jumma, the highest assessment of his Mussulman predecessors, to satisfy the Revenue Board and Government at the Presidency; at the

same time that he avows his belief of the Jumma being too high to consist with the object of advancing the prosperity of the country.

SECTION XIV.

State of landed property in Malabar. Description of proprietary rights, modes of mortgage, assignment, and cultivation. Military service incumbent on landed proprietors and their tenants.

THE province of Malabar was always further removed than the others from the scenes, and the effects, of Mussulman usurpation. It accordingly preserved its independence, and its primitive institutions, undisturbed, until subjected to the dominion of Hyder Aly and his son Tippoo Sultaun, as before noticed.* When ceded to the British Government in 1792, we found that the same description of landed proprietors, and tenants, existed in Malabar, as above described in Canara; that the attempts of Hyder, and Tippoo, to enforce on the Malabarians the Mahomedan system of revenue, had driven from their lands all the principal Hindoo proprietors;

* *Vide Vol. I. p. 543, et seq.*

who now returned, full of anxious hope to be allowed to resume their estates. The inquiries instituted into the rights of these claimants consequently established the following facts.

A class of persons denominated Jelmkars, or Jenmkars, appear, from time immemorial, to have possessed a property in the soil more absolute, it is thought, than even that of the landlord in Europe. The term Jenm, means properly allodial right, acknowledging no superior, and Jenmkar, therefore, allodial proprietor. As far as history can be depended on, the government of Malabar was originally a perfect theocracy, and all the lands belonging to the Pagodas, in which, and the Namboory Brahmins, was accordingly vested the allodial supremacy of the soil. All other persons, even the Rajas themselves, held their lands from the Pagodas, by the tenure of Koodema Neer, that is, the garden or higher lands ; and the Paddy or rice lands, on mortgage, for a valuable consideration given ; but which might at any time be resumed on repayment of the sum borrowed ; and this right of resumption is acknowledged and practised to this day. The title deeds were all in the names of the respective Pagodas. Of the tenure of Koodema Neer, it may be sufficient to say, that the Brahmins always

reserved a quit rent in money, or kind, or some other inconsiderable acknowledgments of their superiority—with which reserve alone the lands became the exclusive property of the Koodema Neerkar, who are commonly designated by the term Jenmkar.*

In some cases the superiority of the Pagodas is still acknowledged and exercised; in others it has become extinct; particularly

* This is a different view of Jenm right, and the Koodema Neer tenure, to that given by the Madras servants employed in Malabar. My chief authority, on this occasion, is an old and valued friend, the late Mr. Murdoch Brown, whose highly intelligent and inquisitive mind, coupled with a perfect knowledge of the Malabar language, and constant intercourse with the natives for 40 years, enabled him to collect probably more accurate information regarding the ancient institutions of the country, and the laws and habits of the people, than could be collected by any other European. The Koodema Neer is represented in the Madras records as a species of mortgage; but the term is there vaguely defined, and obviously because the nature of the tenure was ill understood.

In further illustration of Mr. Brown's view of Jenm right, I can also add on his authority, that the term Jenm is used figuratively to express what are considered imprescriptible rights, such as the rights of the head carpenter of a Tara or parish, to measure out the foundation of all new houses, to plan the door-frames, and certain parts of the roof; on all which occasions he receives so many Fanams, and no other carpenter is competent to execute those parts of the building. This right is hereditary in the family, as well as those of the

since the destruction and expulsion or forced conversion of the principal Hindoo inhabit-

blacksmith ; and this is termed *Jenm* ; and hence they have been considered as signifying “ birth-right.”

Similar Meerassee rights are described by Mr. Ellis as existing in other parts of the Peninsula.

A privilege resembling this also existed in former times in England, claimed by millers, as an exclusive right to grind all the corn used within the manor or township wherein the mill stood. It is described by Du Cange under the words — *Soca molendini*, and *Secta molendini*, and by English authors called *Soc* or *Soke*. In Scotland the right still exists under the denomination of *Thirlage*. *Erskine's Prin. Law of Scotland*, p. 232 ; and *Enc. Brit. Art. Law*, p. 653.

This explanation of *Jenm* right establishes a stricter analogy between the *Koodema Neerkars*, commonly called *Jenmkars* of Malabar, and *Nayr Mul Guenies* of Canara, than seems to be admitted by the Madras servants. The *Jenmkars* of Malabar were formerly tenants in perpetuity, holding of the *Pagodas* by the *Koodema Neer* tenure ; but who, through the various convulsions of the province, destruction of *Pagodas*, and extirpation of the *Namboory Brahmins*, or superior lords, succeeded at length to the rights of the latter ; and in all cases where superior right cannot be proved, are now (in my opinion, very properly) acknowledged as real *Jenmkars*. The *Nayr Mul Guenies* of Canara were also permanent tenants, formerly holding of *Nayr* landlords, in whom was vested the exclusive or absolute property in the land. When Canara was conquered in early times by the Pandian princes of Madura, these *Nayr* landlords were extirpated, or expelled, by the conquerors, and their rights and privileges transferred to others. Subsequently, therefore, to this revolution, the

ants by their Mussulman rulers; whence the occupants in possession of estates came na-

Nayr Mul Guenies, it would seem from the 5th Rep. p. 130, had become actual landlords or proprietors in Canara, with all the rights appertaining to the ancient Nayrs. I must, however, observe, that the Madras Revenue Board, in their minute 5th Jan. 1818, speak of another race of landlords in Canara, called Mulees, as successors of the Nayrs, and as being superior to the Nayr Mul Guenies. Perhaps the Mulees, and the Nayr Mul Guenies, both exist as real landlords. If the statement, therefore, given in the 5th Rep. be correct, it indicates a striking analogy in the ancient institutions of these two neighbouring territories, the superior tenants in perpetuity in both provinces having succeeded, by nearly the same processes, to the rights of absolute proprietors.

It would seem from a passage in Mr. Ellis's Meerassce Paper (Mad. Rev. Sel. vol. i. p. 819.), that there are villages in other parts of the Madras territories, where the perpetual tenants, Ool Parakoodys, have not succeeded to the rights of Meerasseedars on the latter becoming extinct. The policy, however, is not very apparent, of thus keeping, as it were in abeyance, a right which there are no heirs or persons in existence to claim, but which might be beneficially transferred to another. Other instances, however, are mentioned (p. 830.) in which Ool Koodis had succeeded in possessing themselves of the full Meerassy rights.

Another, and perhaps more forcible reason for considering occupants, where there are no other claimants, as the real Jenmkars, Meerasseedars, or Canyatchikars (for all these terms imply the same rights), of their respective properties is, that the Hindoo law gives the right of proprietorship to the possessors of land "after the third generation, or after the lapse

turally to be considered as the superior lords ; and the term Jenmkar, in our time, to be applied to Raja, Namboory, Nambyar, Nayr, and even Mapilla, landlords ; the latter being a race of Arabs who, many centuries ago, established themselves on the coast ; and by commercial and industrious habits, acquired wealth, and encreased in numbers, so as, partly by purchase, and partly by violence, to become the actual proprietors of numerous, and even large, estates.

Landed proprietors in Malabar, have always been considered by us, as possessed of the Jenm or allodial right to their respective estates ; and as such denominated Jenmkars. Between these Jenmkars, and the Nayr Mul Guenies of Canara, there was this remarkable difference, that the Jenmkars enjoyed their hereditary rights free from all assessment, or revenue to government. Their estates were

“ of the period of memory, determined to be one hundred years.” — (Ellis's Meer. Paper.) When, therefore, through the various revolutions, and anarchical rule of this extraordinarily-troubled country, the original proprietors of estates shall have disappeared, or become extinct, although the Hindoo law may have some reservations in respect to Meerassy privileges, reason and sound policy would here seem to concur in sanctioning the full confirmation of allodial right in the actual occupants of the soil. *

their own exclusive property from time immemorial; and a land-tax was unknown in this province, until it was subjugated by Hyder; one of whose first mandates was to declare *half the produce of the soil to be the share of the Circar.*

Of the Jenmkars of Malabar it is also deserving of remark—so perfect were their rights—that no authority but the landlord's, was ever acknowledged on his own estate; nor did the Raja, or prince, in any way interfere, excepting in capital cases, which were judged conjointly by him and the head Bramins of the Rauje. The Raja had no direct authority, except in his own desmesne lands.

Until this period, therefore, nothing could be more complete, than the property in land possessed, and enjoyed, by the Jenmkars of Malabar. The province had been long divided into small principalities, at the head of which were Rajas, generally, if not always, the largest landed proprietors of their respective divisions; and this was their only source of land revenue. Their other supplies were derived from

Poorashandrum, or fines levied on the property of deceased Mapillas, to entitle the next heir to succeed.

Imposts on trade, and mint duties.

Fines for criminal offences.

Protection money from fugitive subjects of other Raja.

Escheated estates on failure of heirs.

Confiscated estates.

Offerings at certain annual festivals, and on the investiture of a Raja.

Professional taxes on weavers, distillers, &c.

Royalties of gold ore, elephants, ivory, teak-trees, bamboos, wrecks, and a few other items.

But the rent of a Jenmkar's landed estates was always wholly and exclusively at his own disposal.

These estates, like similar properties in other countries, were all deeply mortgaged. The mortgage was termed Kanum ; and the mortgagee, Kanumkar. The mortgagee was sometimes a wealthy merchant ; but often a tenant in possession. As long as interest was regularly paid on the debt, the mortgagee had no controul over the land ; but in default of regular payment, he was entitled to possession ; and could lease out the lands to other tenants ; or cultivate by means of his own slaves or hired labourers ; accounting to the Jenmkar for whatever surplus there might be, after discharging his own interest. The Kanumkar could neither foreclose the mort-

gage, nor dispose of the Jenm right to satisfy his debt; but he could sell, or mortgage, his own Kanum to another, who then succeeded to his rights. If the Jenmkar was enabled to redeem the mortgage, he was obliged to pay the Kanumkar for all improvements made on the estate; but this seldom occurred. The Kanumkar in possession was, in reality, a tenant in perpetuity. Neither he, nor his heirs, were ever removed, though the Kanum contained within itself a principle of self-redemption. The mortgage deed was renewable every 12 years; on which occasion 13 per cent. of the original debt was struck off; and though by the operation of this periodical deduction, the estate might at length revert to the Jenmkar, or his heirs, free of debt; it more frequently produced an opposite effect by inciting the Jenmkar to encrease, or renew, his borrowings, and thereby to perpetuate the occupancy of the Kanumkar.

There were other, or temporary, tenants, called Patomkars, to whom the lands were leased for longer, or shorter, periods, according to agreement. The conditions of the lease were, not a share of the produce to the Jenmkar as in some other countries; but a certain fixed Patom, or rent, for a defined extent of land, sometimes in kind, and some-

times in money, as settled between the parties. These tenants were removable at will, or at the expiration of their respective leases ; so that, with some shades of difference, the Kanumkars, and Patumkars, of Malabar may be compared with the Oolkoodies, and Parakoodies, of Tanjore, and the Shud Mal Guenies, and Challie Guenies, of Canara.

Other modes of leasing, and mortgaging, lands are mentioned as common in Malabar, with certain conditions attached to each.

One of them, termed Kuy Kanum, is a lease of land granted by the proprietor for 12 years, which the Kuy Kanumkar is to bring into cultivation to plant with pepper vines, and productive trees, and to erect the necessary buildings, fences, &c., and to hold it for the above mentioned period, in consideration of this labour and expenditure, free of rent. At the expiration of 12 years, the Kuy Kanumkar is liable for a rent agreed upon ; or he may be ousted on receiving compensation for his expenditure and improvements. But as this never happens, the Kuy Kanumkar may also be considered a tenant in perpetuity. He can sell or mortgage his own improvements on the estate to another ; but not the Jenm right, which in all cases the

Jenmkar most tenaciously reserves to himself. A large proportion, indeed, of the lands of this province were thus found to be in the hands of mortgagees, many of whom are Mapillas ; whilst some had either supplanted the Jenmkars, or purchased the title to their estates for a trifling consideration, during the havoc and oppressions of the Mussulman government.

Slaves of the soil are also common, and numerous, in Malabar as in other parts of India.

Although the Jenmkars held their lands free of suit and service to a superior lord, and subject to no other condition than a trifling, and perhaps in some instances nominal, acknowledgment to a Pagoda ; they were still obliged to defend the country, and indeed their own properties, in time of need ; for which purpose each principality was divided into Deshums, or districts, and these again subdivided into Naads, or Nadu ; and each Naad assessed, not with so much revenue in money or kind to the state, but with a certain number of armed men, with whom the Jenmkars were required to attend upon the Raja when war, offensive or defensive, or other public duties, required their services. This, too, was formerly the case in Canara, previously to its conquest by the

Vijayanúgur government, and the establishment of a land-tax by Hurryhur Roy.

Besides this district levy or contribution for military service, the tenants of a Jenmkar were also bound to follow him in war — a regulation which may have been one cause at least of the perpetuity of subordinate tenures in Malabar ; for it was a point of honour with the great Nayr families never to turn out a tenant whilst he continued to pay his rent. It was, indeed, the interest of the Jenmkars to treat them well ; for they were not only the chief means of providing the Jenmkar's income, but composed his retinue of armed followers, so essential to his consequence and weight in the aristocracy. It was also of some use as a corrective to aristocratical power, insuring to the lower orders a greater degree of security and independence.

Whether this law, or custom, of military service prevailed in other parts of India, I have no authentic documents to prove. I can only believe in the probability of its being universal, from the certainty, and great antiquity, of its existence in Malabar and Canara. In these provinces, at all events, it bears a striking resemblance to a similar law existing among the freemen of the West, as far back at least as the days of Julius Cæsar,

who describes (for example) the nation of the Suevians as divided into 100 Cantons or Pagi, (Nadu), each of which supplied yearly for war 1000 armed men. This law was common to the tribes of Northern invaders, who carried it with them into all the settlements they effected in the South. There the law, termed *Herebannum*, required of every free man to bear arms, for the common defence subjecting him to a heavy fine for failure in his attendance, when summoned to the field; or, if insolvent, to be reduced to slavery until his labour should amount to the value of his fine;* whilst in the *Capitularies of Charlemagne*, it is ordained that every freeman who possessed five *mansi*, or 60 acres, of land in property, should march in person against the enemy.†

From this description of military service — from the military habits of native Indians generally, and their attendance on their princes, or *Rajas*, in war — from its being supposed that landed estates in Canara, and

* Du Cange *Voc. Herebannum*. “*Quicumque liber homo in hoste bannitus fuerit, et venire contempserit, plenum heribannum componat, secundum legem Francorum, id est 60 solidos (sols) solvat.*”

† *Rob. Hist. Char. V. vol. i.*

other parts, are conditional tenures subject to the payment of a certain revenue to the state—and from the difficulty, perhaps, of shaking off the Mussulman doctrine of the sovereign being also lord paramount of the soil, it has been contended that the Jenm or allodial rights above described, existing in Malabar, as elsewhere, are no other than a “fee-simple or hereditary right of possession, subject to some of those various conditions from which no subject can be exempt.”*

But this is a mistake, arising, perhaps, from confounding Mahomedan with English feudal law. The estates here treated of are not, and never were, fees or fiefs. The proprietors had the “*absolutum et directum dominium*,” the absolute property or demesne in the land; holding it in their own right, without acknowledgement of service to a sovereign power, or superior lord; and though the present race of proprietors, or part of them, being originally perpetual tenants, may be thought to have had only the “*jus perpetuum et utile dominium*,” in their lands; yet on the extinction, or extirpation of the superior lords, or often by purchase, they came to be considered (as they ought to

* Rep. Mad. Rev. Board, 31st Jan. 1803.

be) absolute proprietors — that is, seized of lands absolutely “*in dominico suo*,” or in their own desmesne.

So late as the year 1818, the Madras Board of Revenue have* described this right as a mere “hereditary possession, and usufruct of “the soil, known by the term Jenm, or birth-right;”* but this, also, is a misconstruction. In all the Hindoo countries, where primitive institutions are still traceable, I believe it will be invariably found that there existed, from time immemorial, both allodial and usufructuary occupants of the soil; and that these were, generally speaking, distinct persons. The Jenm, Swamy Bhogum, Caniatchy, or Meerassy right, is a pure *allodium*, not a *feudum*, nor a simple *usufructus*; and so precious is this right, in the eye of the proprietor, that, after the whole substance of his estate has passed away to mortgagees or others, he still retains the Jenm as a valuable property, for which, though but a shadow, a price would readily be given; but which is held by its hereditary owners with the utmost tenacity, and, therefore, but rarely parted with. The usufructuaries are the different tenants, and mortgagees, above described,

* Mad. Rev. Sel. vol. i. p. 889.

sometimes called “subordinate landlords.” They have liens on the profits and produce of the land amounting to property, which is hereditary, and may be transferred, or mortgaged, and in some cases sold; but in no case can they inherit, transfer, mortgage, or sell the land itself, or the Jenm right. In times of trouble and confusion, when allodial proprietors have disappeared, become extinct, or been induced, by distress, to sell this last hold on their estates, the usufructuaries have stepped into their places; and where no superior right can be established, the usufructuary, whether he has purchased the superior right, or not, becomes the fittest person to be acknowledged as Jenmkar, Swamy Bhogamkar, Canyatchikar, or Meerasseedar.*

It is, indeed, to be lamented that these primitive rights were not discovered by the British Government at an earlier period.

Vide note, p. 239.

SECTION XV.

Real landed proprietors discovered to exist in the provinces subject to the Bengal Government.

ON our acquisition of the Dewanny, in Bengal, Mahomedan severity and usurpation had so effaced these rights, that no trace of them is to be found in the proceedings of the constituted authorities. The Mussulman doctrine of the sovereign being sole proprietor, was then universally prevalent. The same impression existed in 1789, and 1793, on the formation of the Permanent Settlement in Bengal; and estates were accordingly conveyed in full property to the Rajas, and great Zemindars of the lower provinces, subject to the condition of a certain annual revenue; but in utter ignorance of the territorial rights of other classes; although partial proofs of the existence of Maliks, and village Zemindars, in some of the provinces, might, one would suppose, have caused official persons to pause, and enquire, ere they dealt out the whole landed property of the country with such profuse, and, as now appears, inconsiderate, liberality. The mischiefs and injustice occasioned by this hasty step, have been already

explained ;* and the monstrous evil having been confirmed in the lower provinces of Bengal by legal enactments, and 30 years' undisturbed possession of these confiscations (for they deserve no better name), the ousted real owners are left without a hope of redress, being doomed, as Lord Hastings observes, to absolute extinction, " so that no remnants of them will be soon discoverable."

It has, likewise, been stated that, shortly after the acquisition, by the Company, of the " Ceded and Conquered Provinces," the lands of the country were discovered to be universally the actual property of individual owners ; who, at the first encouragement, came forward to assert their respective rights. It is not a little remarkable that these discoveries were, at length, made in countries almost bordering on the metropolis of the Mogul empire in Hindostan, where Mussulman principles may be supposed to have been put in force with the greatest rigor and efficiency ; whilst, in countries far removed from the chief seat of government, the rights of individuals, as proprietors of land, are officially stated to be altogether lost or extinct, or to have approached complete extinction in pro-

portion as the Moslem power was more or less effectually established ; and, as regards official documents and proceedings, this was indubitably the case. Later inquiries, however, render it probable, if not certain, that in no part of the country were these rights wholly extinguished. A record, or tradition, with full acknowledgement of their indefeasibility, seem to have been preserved among the Hindoos themselves, through a long succession of ages, in spite of the rigor and exactions of their rulers.

We have here a remarkable difference in the result of the Eastern and Western irruptions. The invasion of the Roman empire by the Northern barbarians, continued to desolate Europe from the beginning of the fourth century till about the close of the sixth ; at which time the ancient inhabitants were nearly exterminated ; little or no trace being left of their policy, jurisprudence, arts, or literature ; “ new forms of government, new laws, new “ manners, new dresses, new languages, and “ new names of men and countries, were “ every where introduced.”* Italy, in particular, in the eighth century, is said to have been over-run with wood, or laid under water,

* Robertson's Hist. Char. V. vol. i. p. 12.

the habitation of wild beasts, and almost destitute of human inhabitants. Although the spirit of rapacity and cruelty was quite as strong in the Eastern as the Western conquerors, its results were very different. The Hindoos of India, though persecuted and oppressed, from religious as well as avaricious views, were never so completely prostrated as the vanquished people of ancient Europe. The former retained, through ages of devastation and rapine, and still exhibit unimpaired, the manners, the usages, the institutions, the language, arts, and sciences, of their fathers. Their persons were prostrated by the superior might of the Mussulman sword, but their minds were never so degraded as to make a voluntary abandonment of their natural rights. They did not court slavery as a refuge from other miseries and oppressions. Whatever brute force may have extorted, they never sought to change an independent into a conditional property for the inglorious distinction of becoming vassals to a superior lord.* In

* Dr. Robertson, in treating of the state of society in Europe from the seventh to the eleventh century, observes : —“ Such was the spirit of tyranny which prevailed among the great proprietors of land, and so various their opportunities of oppressing those who were settled on their es-

this respect, the advocates of Hindoo degeneracy would be forced to admit that a com-

“tates, and of rendering their condition intolerable, that many
 “freemen in despair renounced their liberty, and *voluntarily*
 “*surrendered themselves as slaves to their powerful masters.*
 “This they did, that their masters might become more
 “immediately interested to afford them protection, together
 “with the means of subsisting themselves and their families.
 “Such a surrender was termed *obnoxiatio*. The reason given
 “for it is the wretched and indigent condition of the person
 “who gives up his liberty. It was still more common for
 “freemen to surrender their liberty to bishops or abbots,
 “that they might partake of the security which the vassals
 “and slaves of churches and monasteries enjoyed, in consequence of the superstitious veneration paid to the saint
 “under whose immediate protection they were supposed to be
 “taken. That condition must have been miserable indeed,
 “which could induce a freeman voluntarily to renounce his
 “liberty, and to give up himself as a slave to the disposal of
 “another. The number of slaves in every nation of Europe
 “was prodigious. The greater part of the inferior class of
 “people in France were reduced to this state at the commencement of the third race of kings. The same was the
 “case in England.” — Rob. Char. V. vol. i. p. 277.

“In those times of anarchy and disorder, which became
 “general in Europe after the death of Charlemagne, when
 “there was scarcely any union among the different members
 “of the community, and individuals were exposed, single
 “and undefended, by government, to rapine and oppression,
 “it became necessary for every man to have a powerful protector, under whose banner he might range himself, and
 “obtain security against enemies whom he could not singly

parison between the inhabitants of the East and West is not favourable to the assumed innate superiority of the latter.

But to return to the “ceded and conquered provinces.” It is now certain, that lands in the north of India, have ever been held by the Hindoos, both as several, and as common properties, bearing a striking resemblance to those of the southern provinces. In Rohilkund, estates are held in severalty, and belong, as of right, to one person. All the proprietary villages in Rohilkund are of this description; and the nature of these estates is the same, whether they consist of a single village, or any number of villages. Some of the villages in Rohilkund have no proprietors; all traces of ancient proprietorship having been lost in the successive revolutions of the Rohilla conquest, and of the Nabob Vizier’s government. Some entire Pergunnahs are thus situated, in consequence of the Rohilla government hav-

“oppose. For this reason he relinquished his allodial independence, and subjected himself to the feudal services, that he might find safety under the patronage of some respectable superior. In some parts of Europe this change from allodial to feudal property became so general, that he who possessed land had no longer any liberty of choice left. He was obliged to recognize some liege lord, and to hold of him.”—Rob. Char. V. vol. i. p. 267.

ing reserved to itself the proprietary sovereignty on the expulsion of the original Zemindars.

In the Dooab, and Bundelcund, estates in joint property are common, like the Palabhogam, and Samadayum, villages of Tanjore.* These properties are known, in the north, by the name of Putteedary, and Byachara. The chief difference between these two, is stated to be, that in Putteedary estates specific shares appertain to particular persons; whence the revenue assessed on the whole estate is apportioned to each share thereof, agreeably to its extent and value; whilst deficiencies fall only on the share or shares, in which such deficiency may occur; whereas in Byachara estates, the property being common, deficiencies in the revenue are made good by a general re-assessment on the whole estate.

Khode Khost, and Pay Khost, Ryots are also common in the north of India, corresponding with the resident Ryots (Oolkoodies), and tenants at will (Parakoodies), in the southern provinces. Free labourers, and slave cultivators, are likewise common.

Although the knowledge of this description of property was within the reach of ordinary

* *Vide supra*, p. 241.

enquiry at the time of our becoming possessed of the ceded and conquered provinces; it is stated, that, in the first revenue settlements effected, one fifth or thereabouts of the whole country was given up, as in Bengal, to great Zemindars, to the entire subversion of the rights and property of the real owners; whilst, for the remaining four fifths, settlements were concluded with village Maliks,* as representatives of the joint bodies of co-proprietors. But as the representative Maliks, or village Zemindars, were inadvertently considered as the actual and sole proprietors of the lands for which they engaged, when estates were sold to liquidate arrears of revenue, we have seen to what an extent of injustice confiscations were carried; and how greatly aggravated by the fraud and collusion of our own native servants. Though the evil was, as before explained, attempted to be remedied by Reg. I. of 1821,† it is to be apprehended, that act, like many others of the same description, will only avail to testify the good intentions of its authors, without producing its desired effect; and that so much complicated atrocity, as therein described, will ever remain a reproach to our administration for at least

* Beng. Rev. Sel. vol. iii. p. 165. † *Vide supra*, p. 154 *et se*

precipitancy, and criminal negligence, which, considering the extent of injury committed, no sacrifice should now be thought, too great to repair.

SECTION XVI.

Landed property in India compared with that of ancient Europe—Greece, and Rome.

ALTHOUGH the property here described, is not a fee simple, or feudal tenure, according to the definition of English jurists, there are still many points of striking resemblance between ancient institutions and usages of India, and of Europe, which deserve to be noticed.

In the first place, I must observe, that I am unable to conceive any other *origin* of proprietary right in land, in any part of the world, than the simple one given by Menu, who lays it down as law, that cultivated land is the property “of him who cut away the wood, or who first cleared and tilled it,” in other words — labour and occupancy —*

* This maxim coincides with the opinion of Mr. Locke, on the origin of the right of property. After the creation of

That this was the case universally in Hindoo countries derives considerable probability, if not confirmation, from a remark by Mr. Ellis, in a very able document on landed tenures in the Peninsula, commonly called his Meerassy

man, and that God (as the Psalmist says) “ had given the “ earth to the children of men,” land and its fruits were common property. Every person, or every family of persons, might select for themselves ;

“ The world was all before them, where to choose

“ Their place of rest, and Providence their guide.”

and having appropriated to themselves what suited them best, without injury to their fellows — there being enough, and more than enough, left for others — and bestowed their labour thereon, it became, by natural right, their own. Mr. Locke’s words are —

“ Though the earth, and all inferior creatures, be common “ to all men, yet every man has a property in his own person : “ this nobody has any right to but himself. The labour of his “ body, and the work of his hands, we may say, are properly “ his. Whatsoever then he removes out of the state that “ nature hath provided, and left it in, he hath mixed his “ labour with, and joined it to, something that is his own, “ and thereby makes it his property. It being by him re- “ moved from the common state nature hath placed it in, it “ hath by this labour something annexed to it that excludes “ the common right of other men. For this labour being “ the unquestionable property of the labourer, no man but “ he can have a right to what that is once joined to, at “ least, where there is enough, and as good, left in common “ for others.”—Locke on Civ. Gov. vol. iv. p. 353.

Paper; who says, “ after diligent search I
 “ cannot find in any work on Hindoo law,
 “ text book, or commentary, any positive
 “ precept or injunction, *conferring on any*
 “ *description of persons property in land*, though
 “ the existence of such property under a va-
 “ riety of terms, and for a variety of purposes,
 “ is alluded to in every page. The fact is
 “ that the thing existed in India, when the
 “ lawgivers wrote; and it was evidently su-
 “ perfluous to prescribe what they found fully
 “ established.”*

In treating of European tenures, I am aware that I am about to enter on difficult and disputed ground. I enter upon it, however, with

* As proofs of the high civilization, and great superiority, of Europeans, we have instances, it is true, of their invading, and taking forcible possession of, primitive countries, and appropriating the lands, after extermination of the original inhabitants. On the extinction, or retreat, of the latter, the civilized invaders become proprietors of estates under specific grants from government, by whom the power of distributing the lands is, in such cases, naturally assumed; and these titles are deemed perfect, there being probably no primitive proprietor, or occupant, of the the soil to question their validity, or to oppose the usurpation. But this is a right founded on brute force, not on legitimate peaceable possession, and inapplicable to those states of society, whether in India or in Europe, which we are here discussing, as well as to the *original* peopling of all extensive continents.

no presumptuous design to controvert the opinions of learned and profound writers on this subject; but merely to give my own view of the state of landed property in Europe, in times which will admit of its being compared with primitive institutions in India.

In the states of ancient Greece, land, with few exceptions, was always private property. Under a democracy it could hardly be otherwise. In the history of Attica, we meet with a fact worth remarking in this place, that, although far more populous in proportion to its extent than modern Holland, and yielding to the state a larger public revenue than any other known country,* still

* “ During the Peninsular war, the revenue of Athens amounted to 2000 talents, or 450,000*l.* sterling; a sum, which making allowance for the difference in the value of money, is far beyond what was ever enjoyed by a people possessed of so small a territory as Attica.” — Hill’s *Essays on Greece*, p. 256.

The extent of Attica is about 70 miles long, and nowhere more than 60 broad; of a rocky barren soil, and at no time yielding a twentieth part of the corn necessary for the subsistence of its inhabitants. Its dense population must, therefore, have been chiefly maintained by its commerce; and if we take the value of money formerly to be only ten times as great as in the present day, we shall have 4,500,000*l.* as the revenue of what in modern improved times would only be called a moderate-sized province.

landed property seems, like the estates of Jenmkars formerly in Malabar, to have been held so sacred, and inviolable, as never to have been subjected to a regular land-tax.

The public revenue was derived from the following sources.

1. The annual *rent* of *certain* lands and forests *belonging to the state*.

2. The twenty-fourth part of the produce of silver mines in Laurium.

3. A tax levied on strangers, i. e. not citizens—Metoikoi.

4. Duties on goods sold in the market-place.

5. A fiftieth of the value of goods exported, or imported, at the harbour of Piræus.

6. Contributions from allied or subjected states.

7. When these heads of revenue were insufficient to defray the expences of government, magistrates were appointed, who, every fifth year, made an estimate of the property of all the citizens, and exacted from each a fiftieth, or twentieth, or twelfth part of his *income*, as the circumstances of the state required. Although this tax was regulated by the number of medimni of corn, which each citizen derived from his estate, it was still

nothing more or less than a regular *income tax*.

8. During war, the richer citizens were expected to furnish a certain number of triremes at their own expence. About the age of Demosthenes, 120 persons were annually chosen out of each of the ten tribes; and the 1200 thus appointed, were required to pay all the *extraordinary* contributions demanded by the state.

In the levy of this extraordinary contribution, a custom prevailed very similar to what still obtains with village communities in India. Of the 1200 above-mentioned, 300 of the most opulent were selected, who paid the whole contribution to government; and they were then left to divide the amount among themselves, and the other 900, according to the proportions justly demandable from each.

These, I believe, were the only taxes in the time of Solon. When Pisistratus established himself in the sovereignty of Attica, he exacted from every Athenian citizen a tenth of his income; and employed his surplus revenue in decorating Athens with magnificent buildings. One half of this tax was afterwards remitted by his son Hipparchus. This, however, was still an income-tax. After paying

it, the citizens had the secure enjoyment of all the rest of their property.*

Throughout the whole extent of the Roman empire, land was possessed by individuals in full property. A government originally republican, and consequently holding, or professing to hold, the rights of individuals sacred, never pretended to alienate, to assume, or even to participate in their possessions, further than to require, what all governments require in some shape for their support, tribute or revenue. In all their conquests the proprietary rights

* In the eighth number of the Foreign Quarterly Review there is a very able article on the letting of land, in which, among other things, the state of landed property in ancient Greece is particularly referred to; and a copy is given of a very curious lease of land, granted to a farmer and his son for 40 years, at a fixed money rent, dated in the fourth year of the 108th Olympiad, or 345 years before Christ. In this article, as well as in the lease itself, the existence of private landed property in full right is abundantly confirmed; whilst it appears from the lease, that in those days land was possessed by individuals (as mentioned in the text) *free of revenue or tax to the state*; inasmuch as it provides for the eventual payment of a tax, should such be at any time demanded — a proof that no such tax existed when the lease was granted. The words of the lease are — “ And *if* a tax should be “ paid for the land to government, the said tax to be paid by “ the Aexonians (proprietors), or if paid by the tenant, to be “ deducted from the rent.”

of individuals were acknowledged and confirmed. A tenth of the product of lands was demanded from provinces which sought the protection of Rome, and lands thus assessed, were called Decuman, or Decumates.* In others, imposts were levied, under the names of Stipendia, and Vectigalia; but the right of property was never questioned. Property in land, therefore, in these times, was, as in Hindoo countries, purely and universally allodial. In the Roman states, there were some public lands, and tilled on public account. From these lands, decumæ, tithes, or the tenth part of corn, and the fifth of other fruits, were demanded, as well in Italy as other parts. Those who farmed the tithes were called Decumani. The ground was also called Decumanus;† but

* *Omnis ager Siciliæ decumanus est.* Cicero. The country between the Rhine and the Danube, now called Suabia, had also the denomination of Decumates Agri.—Murph. Tac. vol. iv. p. 279.

† Menu's law is, that of grain, *i. e.* the produce of land, one-sixth, one-eighth, or one-twelfth part, according to the difference of the soil, and the labour necessary to cultivate it, may be taken by the King. Menu adds a salutary caution: —“ Let the king (he says) not cut up his own root by taking “ no revenue, nor the root of other men by excess of covetousness; for by cutting up his own root and theirs, he makes “ both himself and them wretched.” — Sir W. Jones' Works, vol. vii. p. 314.

these lands were all sold, or distributed, among the citizens at different times ; and the land of Capua, the last, by Cæsar. The *res mancipi*, and *prædia libera*, of the Romans in Italy give as completè an idea as can be conceived of absolute dominion over property.*

SECTION XVII.

State of landed property among the ancient Germans. Points in which it resembled the existing properties of a Hindoo village.

WHEN Julius Cæsar, and, about a century and a half later, Tacitus described the manners and institutions existing among the tribes of Germany, the inhabitants of that extensive country were in a state partly pastoral, and partly agricultural ; that is, gradually passing from the wandering condition of shepherds into more fixed and settled habits. Cæsar describes their food, for example, as consisting chiefly of milk, cheese, and flesh of animals, and sparingly of corn. To procure the latter, tribes occupied and cultivated certain spots of land for a season, or more ; and then removed to another spot, as their wants, or

* Adam's Rom. Ant. p. 59.

wandering habits, prompted. With Roman notions of individual proprietary right, Cæsar and Tacitus could hardly conceive such an occupancy of land to be private or common property; and many later writers, adopting, perhaps, a greater latitude than those authors intended to give to their descriptions, have roundly asserted, that landed property was unknown among the German tribes; and that it had in fact no existence, till sovereigns, or conquerors, were graciously pleased to take to themselves all the lands of the earth, and to bestow them by royal grant, or charter, on their trusty and well-beloved captains.

But a joint, or common, occupancy of land was the only one suited to the semi-pastoral state of the German tribes. In an extensive and fertile country, thinly peopled, each tribe had abundant space for frequent changes of residence; and though the spot occupied was their own for the time, it could, from the nature of the case, be neither a permanent nor hereditary possession. The members of the tribe being all equal, in point of rights, were equally obliged to defend the common interests, or to follow a leader in war. War, indeed, was their constant occupation; and, whilst one portion of the community was employed abroad to rob and plunder, or to con-

tend with open enemies, the remainder guarded the flocks, or cultivated the lands of the community ; but these occupations being only followed by turns, the warrior of one year, being cultivator the next, and *vice versá*, it is clear the land could be no man's property in particular. In this simple state of society all property was, in fact, common ; and whatever cultivation took place was necessarily for the common benefit.

As civilization advanced, which intercourse with the Romans tended to promote, and population increased, the tribes were necessarily restricted within narrower limits ; and finding their advantage, as they became more agricultural, in settling in particular spots, these spots became naturally the fixed and permanent property of the settlers. On these occasions, the custom seems to have been to apportion the lands, as in India, *by lot* to the different members of the Canton, or Pagus ; whilst the whole Pagus may have still preserved its character of a common tenure, maintained and cultivated for the common benefit. This was precisely the case in the Samadayun, Pasung Carei, and Vadiky tenures of the Peninsula of India, and in the Putteedary tenure of Hindostan.*

* *Vide supra*, p. 241 *et seq.*

At this time all power was vested in the community itself. The property was their own, free from all acknowledgment of superiority, or condition of service, to a liege lord. The possessors of the largest herds and flocks, brave leaders in battle, or such as had gained numerous adherents, called by Cæsar, *Ambacti* and *Cientes*, and by Tacitus, *Comites*, were the persons of most influence and consequence in the community ; and to these, according to Cæsar, were committed the general direction of the affairs of the community, and the decision of disputes and controversies in time of peace ; whilst in war, magistrates, or leaders, were elected, armed with absolute powers, even of life and death. In Cæsar's time, it seems, therefore, doubtful whether the Germans acknowledged any regular submission to kingly government. In so large an extent of country as ancient Germany, differences would naturally exist in the state, and condition, of the various tribes. Some might have kings, or princes ; whilst others would regulate their own affairs by their chief men, or in general assembly.* Cæsar mentions one king, *Am-biorix*, king of the *Eburones*, whose authority

* The tribes bordering on Gaul, and the Rhine, were the most civilized ; whilst some of those bordering on Sarmatia, and the Vistula, were in the lowest state of savage life.

was so limited as to be almost ridiculous. “*Sua esse ejusmodi imperia, ut non minus haberet juris in se multitudo quam ipse in multitudinem.*” With so much personal freedom, and independence, there are but few traces of civil government to be found. The submission of the people to certain chiefs was voluntary; and their propensities being all for war and plunder, every person was at liberty to avenge his own, or relations’ wrongs; whence enmities were hereditary, but not always irreconcilable; since murder was compounded by paying a certain number of cattle.

In these respects there are tribes existing in India not further advanced than the Germans of the age of Cæsar. Such, for example, are the Katties, Coolies, and Beels of Guzerat, and neighbouring districts. These tribes were never thoroughly subdued, or subjected to regular civil authority, by either the Moguls, or the Mahrattas; but lived by themselves, in detached bodies, without a semblance of government beyond, as in Germany, mere voluntary submission to the authority of their chiefs. War, robbery, and plunder, were equally their delight, as their openly avowed profession; and under no legal controul, they were equally free to compen-

sate injuries, or to avenge private wrongs. In both countries the tribes were equally barbarous, ferocious, and cruel towards enemies. The Indians here referred to are, like the ancient Germans, described to be “ active and “ hardy, patient of hunger and fatigue, vigilant and enterprising, fertile in expedients, “ secret in their movements, admirably calculated for night attacks, surprises, and “ ambuscades—and shewing on some occasions, extraordinary boldness in their attacks.” In one respect they differed essentially from the Germans, viz., the practice of female infanticide, which the Indian tribes justify as having been necessary to their security when in a wandering state ; which usage has since continued, and which in spite of the benevolent exertions of the British Government, has not, I fear, to the present hour been checked.

About two and a half centuries ago, these tribes, or some of them, were purely pastoral ; and as averse, as the primitive Germans, to regular industry ; but settling at length on lands, which they cleared, and cultivated, labour and continued occupancy rendered them, like the lands in Germany, a real property in the hands of the settlers, subject to no condition of vassalage, or military service.

In both countries, like usages may thus be traced to shew the sources, or first beginnings, of landed property — to establish the fact, that neither in India, nor in Europe, was it *originally* a sovereign, but an individual, right; and that though sovereigns, in various parts of the world, have claimed this right, they never had a better title to it than conquest, violence, and usurpation. Whether any of the lands of these Indian tribes are cultivated in common, I know not. Certain it is that individual estates are numerous; and even if this should be the case with the whole, it is still but one of the natural consequences of settled and continued occupancy.

In the time of Tacitus,* matters seem to have somewhat changed. Kings, or princes, were common in Germany, but elective, not hereditary; although it is supposed that, in the election, a preference was generally, if not always, given to the issue of the deceased king. The regal authority was, however, limited. Leaders, or commanders in war, were

* Tacitus published his tract on the manners of the Germans A. D. 98; and though the period of his death is not precisely known, it must have occurred previously to 117. Julius Cæsar was assassinated in the year 43 or 44 B. C. Tacitus's time was therefore about a century and a half later than Cæsar's.

often separate persons ; chosen by the people, but armed with absolute power. Jurisdiction was also vested in the priests ; that is—the commander in chief, had the power of adjudging, but that of punishing was in the hands of spiritual leaders, which gave to its infliction the character of a religious sentence. These were awkward encroachments on the boundaries of royal prerogative ; whilst the real power of the German princes must have been still more materially checked by the uniform effect of landed property, when enjoyed in full right by independent landlords.*

War and plunder being the constant occupation of these tribes — distinction in battle the highest honor to which their leaders could attain — these leaders armed with absolute power—and to be enrolled as the follower of a

* In afterwards noticing the tribes separately, Tacitus mentions some, where regal government was more rigorously exercised ; one, the Suiones, where despotism was fully established. “ Riches (he says) are by this people held in great esteem, and the public mind, debased by that passion, yields to the government of one with unconditional, with passive obedience.” — (Vol. iv. p. 43.) Of another tribe, Sitones, he says, that they differ in nothing from the Suiones, “ except the tameness with which they suffer a woman to reign over them. Of this people it is not enough to say they have degenerated from civil liberty ; they are sunk below slavery itself.” — p. 45.

brave and victorious leader coveted, as an honor, by the multitude—it could not fail but that some of their chieftains would conquer large possessions ; and thus, by degrees, erect for themselves principalities, and kingdoms. According to the usage of these tribes, the conquered lands, or such as the chief and his followers chose to appropriate, were divided *by lot* ; and estates thus acquired would naturally be held in severalty ; whilst it is certain they were held without any acknowledgment of superiority, or service, to the leader, or prince. It is also probable that the conquerors would carry with them, into their new acquisitions, many of their own customs ; recognizing, nevertheless, such usages as they found established, and at the same time convenient to adopt. The common possession of land would, therefore, be continued in spots not seized in severalty by the warriors ; so that several, and common, properties might exist together, as we find they did in different parts of the same country, like the Pasung Carei, and Aruda Carei villages *

* In Judge Blackstone's Commentaries, vol. ii. chap. 12, a description is given of " Estates in joint tenancy," which strongly resemble in many of their features the above-mentioned common village properties of the East. *Vide supra*, p. 243 et seq. also 289.

of India. Tacitus says of a German community, or Pagus, that it “ takes possession
 “ of a certain tract of country proportioned
 “ to its number of hands ; *allotments* are
 “ afterwards made to individuals according to
 “ their rank and dignity ;” but the whole tract is still the property of the community. In another place he says — “ the Germans
 “ have no regular cities ; nor do they allow
 “ a continuity of houses. They dwell in se-
 “ parate habitations. *They have villages, but*
 “ *not in our fashion, with a series of connected*
 “ *buildings. Every tenement stands detached,*
 “ *with a vacant piece of ground round it.*” Here we have an exact description of the Pasung Carei, and of the Nattam,* of a Hindoo village ; the tract of country attached to the Pagus, or village, being common property, though allotted to certain individuals ; whilst the spot of ground which encompassed the house in the Nattam, or place of residence, was the exclusive right of the occupant ; and constituted in Germany the celebrated *Salic* land, which descended to the male issue, and never to the female line. “ It was called *Salic*
 “ *land*, because the mansion of a German was
 “ called *Sal*, and the space inclosing it *Sal-*

* *Vide supra*, p. 243.

“ *bac*, the homestead. Hence the law of the
 “ Franks, that regulated the course of descent,
 “ was called the *Salic* law;”* and the usage
 which gave rise to it is almost exactly paral-
 leled by an ancient Hindoo rite.

SECTION XVIII.

Changes which occurred in landed tenures after the irruption of the Northern barbarians into the Southern and Western countries of Europe. State of the Saxon barons of England compared with the ancient landlords of India, and with institutions still in force in Rajasthan.

IN process of time these barbarous warriors over-ran, and mastered, the provinces of the Roman empire. One object of conquest being plunder, and, in these poor times, there being no property to seize but land, which in the Roman provinces was all possessed and occupied by individuals, the invaders took to themselves as much of these lands as they chose to appropriate ; expelling the ancient proprietors, and leaving others — where the whole were not, as in some instance, exterminated — in the possession of their allodial rights.

From the earliest times of land becoming

* Murph. Tac. vol. iv. p. 237 and 251.

private property among the German and Northern nations, there seems to be no proof of its having any other character than that of pure alloduality. It is also the most reasonable conclusion. When the barbarians settled themselves in new conquests, the lands which they thought proper to seize, and other booty, being divided among the captors by lot, as the recompense due to their valour, and acquired by their own sword, it is not likely that men, like the Huus, Alans, Goths, &c., living in a degree of freedom and independence scarcely compatible with a state of civil union—who acknowledged no superior lord—who followed a leader to war and plunder from choice, not constraint—and who considered conquests as common property, in which all had an equal title to share—would subject themselves to subordination, and conditions, in regard to land, from which in all other respects they were wholly free. We may, therefore, reasonably conclude that property, in these early times, was much in the same predicament as it is found among other barbarous nations in a like state of society; and in which it is still found among the uncivilized tribes of India.

When the conquerors settled in their new acquisitions, and agricultural habits had led

to improved degrees of civilization, landed property became more and more precious in the estimation of its haughty and independent possessors. In times of so much anarchy and violence, it was, however, necessary to guard it against attacks from surrounding foes, and from invasion by fresh hordes pouring in from the Northern hive. For this purpose every landlord, or free man, had an obvious interest to concur in a general compact to bear arms, and to do military service for the common defence, or common benefit. A tacit compact to this effect existed from the earliest times of which we have any knowledge of the barbarous invaders. Laws were subsequently enacted, making the duty imperative. In the reign of Chilperic, King of the Franks, and in the subsequent reign of Childebert,* laws are quoted to this effect, with heavy penalties attaching to disobedience, or refusal to comply therewith. Even the Capitulars of Charlemagne, quoted by Dr. Robertson, are of the same tenor; every free man—" *liber homo*"—who possessed land in allodial property, being bound to take arms " *in defence of the community.*"

* Chilperic began his reign A. D. 562; and Childebert A. D. 576.

With property, civil government came to be established ; and, naturally, as in all other barbarous and ignorant societies, assumed the monarchical form. A successful conqueror, holding kingly power, could never want the means of rewarding his favourites, and followers, from forfeited or confiscated lands ; or from lands seized as public property ;* or from what remained, after partition, which were considered as belonging to the community, and denominated the “ lands of the fisc ;” or finally from his own portion, which must always have been the largest allotment. Grants from these sources were common, binding the grantee, however, to nothing more, at first, than fidelity, without any obligation of military service, or attendance in the court of his superior. Subsequent grants involve a promise of protection, with certain castles or lands to the grantee, who, on the other hand, engages to defend the

* “ Under the Romans, when cities enjoyed municipal “ privileges and jurisdictions, *the circumjacent lands belonged “ to each town, and were the property of the community.* “ When these lands were seized and shared among the conquerors, the barons to whom they were granted erected “ their castles almost at the gates of the city,” &c. — Rob. Char. V. vol. i. p. 296.

grantor, and to assist him in defending his property whenever he shall be summoned to do so. These grants appear to be rather a mutual contract between equals, than the engagement of a vassal to perform services to a superior lord; but contracts of this description were soon converted into rights, and imposed on the grantee a positive obligation of personal service and fidelity to him from whom he had received his lands. They were termed *Beneficia*, held originally during pleasure, or for the life of the grantee, and ultimately made hereditary. But these grants were not exclusively acts of royal munificence. *They were at all times bestowed by individual proprietors as well as by kings.** In process of

* Without meaning to controvert the opinions of learned and profound writers on this subject, I would merely observe, that a close inspection of Du Cange, and other ancient authors, will, I think, be found to confirm the view given in the text of the course of landed tenures in Europe. It is at all events a natural and consistent progress; but a question hence arises, that if these were the only grants known previous to the ninth or tenth century, and that they were the acts of *individual proprietors* as well as kings, how came such individuals to have the requisite dominion over the property so granted? If all land were originally crown property, and private estates no other than beneficiary tenures, it is clear that a beneficiary could not bestow any portion of that

time Beneficia became feudal tenures ; by which the grantee was seized of his lands

estate upon another, much less do it with a reservation to heirs.

But the state of society in the times referred to would seem to afford a satisfactory answer. Previously to the irruption of the northern invaders, lands in the southern countries of Europe were held generally, as in India, in allodial right. When the barbarians settled in their new conquests, they imported from Germany an unrestricted system of equal rights ; and conquered lands, like every other description of property, being then divided among the captors by lot, the king or leader only got his own allotted share. At this time the seized lands must also have been appropriated in pure allodial right. The new settlers, therefore, as well as those of the aborigines, who retained their property, had that dominion over it which enabled them to sell, mortgage, bequeath, or grant, unrestrained by any superior lien or other incumbrance. Their earliest grants were equally free — *ex mero dantis beneficio et liberalitate* — because at first no necessity existed for making extraordinary or particular provision for cases of war. In those days every freeman was a warrior ; and battle, and plunder, his chief profession and delight. The institutions and usages of the ancient Germans were moreover a sufficient precaution against all emergency of this description. The tribes or nations, according to Cæsar (book vi. chap. 20.), were subdivided into cantons or pagi, each of which sent yearly into the field a specified number of armed men ; and this continued to be a law to the landholders of Europe, like unto the Nadus of Malabar (*vide p. 278*), for several successive centuries. The hercbannum was not only in force, but the penalties of it rigidly exacted.

to hold to him and his heirs for ever ; but bound to follow the standard of his liege lord, with a number of men proportioned to the extent of his possessions, and to bear arms in his defence. Fealty and homage were also required of the vassal or tenant ; together with the other services and incidents* attaching to this peculiar tenure.

In process of time, as the possession of property gave to these ferocious conquerors more settled and pacific habits ; and, fixing them by interest and inclination to specific spots, restrained their roving and predatory propensities, the possessors of large estates, who were always quarrelling with their neighbours, found it necessary to stipulate for military service as the condition of beneficiary tenures ; and the same causes operating from age to age, with greater and greater force, on a society thus constituted, at length produced the establishment of Feuds or Fiefs, which, after the ninth or tenth century, grew up into universal usage throughout Europe, with all the services, incidents, conditions, privileges, and honours, attached to this peculiar tenure.

* The usages termed feudal incidents were, according to Blackstone, “ Aids, Relief, Primer Seisin, Wardship, Marriage, Fines for Alienation, and Escheat ; and to these he ascribed a feudal original, although he admits the feudal system to have been only introduced into England by William the Conqueror. Those who have read Blackstone’s Commentaries will readily call to recollection the peculiar rights and duties included under these respective heads. But these usages, or at least some of them, existed in England, and in

When conquerors thus dealt out districts to their superior officers, by whom smaller

other parts of Europe, long previous to the establishment of feudalism.

Usages of this description are likewise to be met with at the present day in every part of India. The privileges and Nuzeranas of Mahratta princes and chiefs, adverted to in *Vol. I. p. 251*, and the practice of Zemindars or landlords, noticed *supra*, in *p. 59* and in *p. 71*, &c., and again in *p. 327*, &c. as well as in the authorities referred to, are but modifications, or perhaps prototypes, of the aids, reliefs, wardships, fines, and escheats, of the feudal system.

Blackstone mentions another feudal usage, called Scutagium, or Servitium Scuti, or service of the shield or of arms (in Norman-French, Escuage), being a pecuniary satisfaction which came at last to be levied by assessment on every knight's fee as a compensation for military service. And Du Cange mentions it as the consequence of the frequent wars in which the kings of England, after the Conquest, or in the thirteenth century, were engaged. — “Unde murmur, et multiplex querimonia populo resonabat, eo quod rex tam crebro sine profectu vel honore suos nobiles depauperat et fatigat, et instanti tempore messium toties scutagium exigens inquietat.” It is remarkable that the same cause occasioned similar assessments to be levied from the nobles and landlords of Canara, after the country had been harassed and ravaged by frequent and destructive wars (*supra*, *p. 260.*), whilst we have no knowledge of scutages, or land-taxes, being levied in Malabar, the Jenmkars of that district preserving unimpaired their ancient rights and usages, until subdued by Hyder Aly in 1763.

These incidents were considered in feudal times as more

allotments were again granted to inferior officers and soldiers—and every grantee binding

particularly attaching to the tenure by chivalry or knight-service. Blackstone mentions others of a less honourable nature, which it would extend this note to too great length to examine minutely. I shall therefore confine myself to one, the Socage tenure, Socagium, or Servitium Socæ, which Blackstone also ascribes to a feudal origin, although it boasts a far higher antiquity. Whatever privileges or rights may now attach to the Socage tenure (since the abolition of knight-services by 12 Car. II.), in ancient times it appears to have been nothing more than a tenure by services of husbandry;* that is, by right of labour and occupancy; the Sokeman or tenant being bound to his lord to plough, sow, and reap the land, &c. In process of time, this service was changed into an annual rent by consent of both parties; whilst in memory of its original it still retains the name of Socage or plough-service. This also was a grant, not derived either mediately or immediately from the king, but by a lord to his own tenant; and being only liable to acts of husbandry, no military or personal service could be exacted, as of right, by the lord.

In like manner the Kuy Kanum tenure of Malabar, described in *p.* 277, is a grant, the renders of which are pure husbandry services; and though the grant was resumable after a certain period, it usually settled into a hereditary possession, on payment of a moderate fixed rent, subject of course to the Jennikar, or lord's superior right. The points of resemblance will be most striking, if the Kuy Kanum be compared

* Although Blackstone objects to this definition, it is the one given by most ancient authors.

himself to the grantor by oaths of fealty, and of personal service, both at home and in war -- the givers as well as the receivers, became mutually bound to defend each other's possession, so that whole kingdoms were thus compacted by nearly the same ties as bind together a military association or encampment.

The position, indeed, of these barbarian conquerors, after possessing and settling themselves in the Roman provinces, joined to their former habits, naturally gave an early rise to military and personal services in subordination to some acknowledged chief; and when military service afterwards assumed a more specific character, on the complete establishment of feudalism in Europe, it was but a

with the Socagium, in times when the civilization of these two parts of the world were also nearly on a par.

As the Socagium was not derived either directly, or mediately, from the king as lord paramount, but from a lord to his own tenant; and being only subject to renders of husbandry, no military or personal service could be exacted, as of right, by the lord; so the Kuy Kanum is a grant of the Jenmkar's own exclusive authority to his tenant, subject only, like the Socagium, to husbandry services; and though the Socagium in feudal times was liable to much the same incidents as attached to the chivalry tenures, yet these I take to be usages naturally arising out of the state of society in the days referred to, and which we find to be nearly paralleled in the Nuzeranas, fines, and escheats of modern India.

consequence or rather modification of an usage which the natural propensities of these invaders, prescription, and even law itself had, from time immemorial, familiarized to all branches of the community.

It is thus, too, that military leaders raised themselves by successive encroachments to the possession of arbitrary power. As royal dispensers of rewards and favours, they were looked up to, and readily acknowledged, as the fountain of all honours, and gradually assumed a right over landed property, whence it came to be avowed as a fundamental maxim (as Blackstone informs us), that “the king is universal lord and original proprietor of all the lands in his kingdom, and that no man doth or can possess any part of it, but what has mediately or immediately been derived as a gift from him, to be held upon feudal services” — a doctrine which the learned judge himself considers as out of the natural order of things, and, therefore, a mere fiction of law to sanction a usage which at this time prevailed universally in Europe.

As the properties, however, and, consequently, the power, of the barons increased, that of the monarch became proportionally restricted. He was the greatest landed proprietor of his dominion; but exercised a li-

mitted authority over his nominal subjects. The powerful nobles soon found means to appropriate to themselves titles of honour, and offices of power and trust, and to render them hereditary in their families. They also assumed both civil, and criminal, jurisdiction within their own estates; the right of coining money; the privilege of carrying on war against their private enemies, and of their own authority; so that the appearance, even of the original feudal subordination, scarce remained.

This seems to have been the state and the course of landed property in Europe, from the earliest times. In the fifth and sixth centuries, the lands conquered, and acquired, by the barbarians, were purely allodial. In several parts of Europe, property had become very generally feudal by the beginning of the eleventh century. Grants conveying allodial rights, are, nevertheless, traced in Italy and Germany, down to the fourteenth century.* After the establishment, however, of the feudal system in Europe, and when honours, privileges, and distinctions, were exclusively conferred on

* “ Muratori observes that the word *Feudum*, which came “ to be substituted for *Beneficium*, does not occur in any authentic charter (in Italy) previous to the eleventh century.” *Rob. Char. V. vol. i. p. 269.*

feodal, not only to the injury, but often to the extreme mortification, of allodial, proprietors, the feodal tenure came to be preferred ; and beneficiaries, and even allodial landlords sought to exchange their titles for such as were esteemed more honourable. In this way large quantities of land were surrendered into the hands of the king, to be returned to the proprietor with the conditions of a fief annexed.* The prepossessions, indeed, in fa-

* In the times referred to, the holders of fiefs had eminent advantages over allodial proprietors. They could avenge their own quarrels, which allodial proprietors could not, who had therefore no means of defending themselves. War and conquest being the only sources of honour in the dark ages, and the king, as head of the community, the fountain from which they flowed, it naturally followed, that distinctions and privileges should be conferred on his favourites and retainers alone. “ Allodial proprietors, therefore, having no pretensions of this kind, were treated with contempt as a kind of poltroons. From this disagreeable situation they wished to free themselves, by converting their allodial property into feudal tenures ; while the princes, supposing it their interest to extend those tenures as much as possible, discouraged the allodial possessions. As the feodists supported the importance of the nation, and dignity of the monarch, it was not thought proper to allow the allodial proprietors any greater compensations than what were given to vassals in similar cases. Thus they were exposed to continual mortifications in the courts of justice ; they were neglected by the king ; denied sufficient protection by the laws ; ex-

vour of this kind of property, were such that many other things, besides land, were granted, and held, as fiefs ; such as casual rents, the profits of a toll, the fare paid at ferries, the salaries or perquisites of offices, pensions, and even the profits arising from masses ; for all which military service was promised and exacted.

But of landed property, the character was thus altogether changed ; and the notion seems hence to have arisen, that it must, in all times, have been a royal prerogative, because a fee-simple, or fief, was originally a royal grant. All the lights, however, to be drawn from ancient institutions, tend to prove that landed property originated in individual labour, and fixed occupancy ; was held by individuals, as freemen, for many centuries in full right ; and that it did not lose its allodial character, until it was sub-

“ posed not only to continual insults, but to have their property on all occasions destroyed by the great ; so that they were without resource except from the feudal tenures, and were obliged even to solicit the privileges which were bestowed in other cases on vassals. In these unhappy circumstances, they were glad to yield up their lands to any superior, whom they thought most agreeable, and to receive them back from him as a feudal gift. Thus the landed property was every where changed into feudal tenures, and fiefs become universal.”—Enc. Brit. vol. viii. p. 596.

verted, both in the East, and the West, by the violence and usurpation of military conquerors.

Feudal law, and feudal tenures, were only introduced into England with the Norman conquest. The jurisdiction and authority of the Saxon lords in England was as great before the conquest, as that of the Norman lords after it. The following account of our Saxon ancestors is given by Adam Smith —

“ Upon the authority, which the great proprietors necessarily had in such a state of things over their tenants and retainers, was founded the power of the ancient Barons. They necessarily became the judges in peace, and the leaders in war, of all who dwelt on their estates. They could maintain order, and execute the law, within their respective desmesnes, because each of them could there turn the whole force of all the inhabitants against the injustice of any one. No other person had sufficient authority to do this. The king, in particular, had not. In those ancient times he was little more than the greatest proprietor in his dominions, to whom, for the sake of common defence against their common enemies, the other great proprietors paid certain respects. To have enforced payment of a small debt within the lands of a proprietor,

“ where all the inhabitants were armed, and
 “ accustomed to stand by one another, would
 “ have cost the king, had he attempted it by
 “ his own authority, almost the same effort
 “ as to extinguish a civil war. He was,
 “ therefore, obliged to abandon the adminis-
 “ tration of justice, through the greater part
 “ of the country, to those who were capable
 “ of administering it ; and, for the same
 “ reason, to leave the command of the coun-
 “ try militia to those whom that militia would
 “ obey.

“ It is a mistake to imagine that those
 “ territorial jurisdictions took their origin
 “ from the feudal law. They were all rights
 “ possessed *allodially* by the great proprietors
 “ of land several centuries before even the
 “ name of the feudal law was known in
 “ Europe.” *

In this description of our Saxon ancestors
 we have an exact picture of the Jenmkars of
 Malabar,† previously to the invasion of Hyder
 Aly, and probably of what Swamy Bhógum-
 kars, and Meerasseedars, were formerly in
 other parts of India.‡ The progress, indeed,

* Smith's *Wealth of Nations*, vol. ii. p. 220. M'Culloch's ed.

† *Vide pages 268--274, also 278, et seq.*

‡ There are other parts of India in which the same powers
 are still exercised by allodial landlords. In Cutch, for ex-

of landed proprietary rights in Europe may thus be paralleled, in all its stages, among the various tribes, civilized and uncivilized, now existing in India, with the exception of the feudal tenure, which seems to me to have arisen out of the peculiar circumstances of Europe, after the settlement therein of the Northern hordes, and to have been altogether unknown among the original tribes. We have nothing in India, that I know of, analogous to the feudal tenures of Europe. The Jaghire of India most resembles the ancient *beneficium*; but we have abundant traces of allodial property in both countries, coupled with usages bearing a striking resemblance to each other.

In a late splendid and able work on Rajasthan or Rajpootana, an attempt has been made to prove the existence of a feudal system of great antiquity in that country; and an inference is thence drawn that it travelled westward with the Barbarians who conquered Europe, and was by them transferred to this quarter; but many of the usages adduced in proof of this hypothesis, as existing in both countries, are usages common to the

ample, it is stated, that "the Row's (Prince's) ordinary jurisdiction is confined to his own *desmesne*; each Jahrejah chief (Baron) *exercising unlimited authority within his own land.*"—Ham. Art. Cutch.

allodial proprietors of Europe, long before the name of feud or fief was known here.* The grants of land by princes, copied into Colonel Tod's Appendix, are all of modern date, or between 1725 and 1818; and, therefore, subsequent to a long succession of ages, in which seizures, confiscations, and escheats must have been numerous, and the necessity for military service as urgent as during any, the most martial, period of the middle ages.

* "Muratori observes that the word *Feudum*, which came to be substituted in place of *Beneficium*, does not occur in any authentic charter previous to the eleventh century. A charter of king Robert of France, A. D. 1008, is the earliest deed in which I have met with the word *Feudum*." — Rob. Char. V. vol. i. p. 269.

The distribution of land among cultivators by hydes, referred to by Col. Tod, and compared with the Rajpoot similar usage called "*Chursa*," had existence in England from the beginning of the Anglo-Saxon government.

The division of a country into hundreds was also a Saxon institution in England. Compounding for crimes and offences, and customary dues like those compared with the "*droits de giste et de chevauché*," were of far greater antiquity than the days of feudalism.

The levy of Rajpoot chiefs does not resemble the *Champ de Mars* of the French, more than it does the *Wittenagemote* of the Anglo-Saxons, in which, principes, optimates, magnates, procures, all the leading men in the kingdom, that is, the allodial proprietors of land, were assembled.

These, and other usages compared by the author, are institutions which, as regards Europe, existed long before the days of feudalism. In the documents contained in Col. Tod's

That usages and institutions should have risen up in Rajasthan, similar to those of the middle ages in Europe, is likely enough from the similar circumstances in which both countries were placed.' Both were exposed to the constant attacks of furious invaders, and to the turbulence of domestic hostility ; and both adopted such means of defending their possessions, and rights, as were naturally suggested to the minds of men where property, government, surrounding dangers, and the stimuli to activity and exertion, were nearly on a footing.

In a country where a constant state of military array is found to favour usurpations, and

appendix to the chapter on the " Feudal System of Rajasthan," as well as in the chapters themselves, there are also many passages strongly indicative of a state of property, among the Rajpoots, similar to that of Malabar, Canara, and other parts of India. The Bhoomia of Rajasthan is a true allodial proprietor ; and his Bhoom, a property in absolute dominion, subject to no burthen but that of public defence : whilst the " Khalisa, or fiscal land" was literally nothing more than the Prince's own desmesne — that is, the best, the richest, the best protected, and likewise the largest, estate of the whole principality.

But the able work here referred to may safely be consulted for a full confirmation of the identity of usages (whether strictly feudal, or otherwise) in the western and eastern families of the earth, in times when the state of their respective civilization is likewise found to correspond.

the gradual attainment, by victorious leaders of arbitrary power, the holder of that power will naturally use it for the extension of his own privileges and prerogatives. He would seize, for example, on conquered, or sequestered, or forfeited, or escheated lands to bestow them on his adherents or favourites, but subject, of course, to military service, and to personal attendance at his own court. In such a country we might naturally expect to find landed tenures of the same nature as European fiefs; together with other, or the unviolated, portions of landed property still retaining their original character of pure allodality. Such, in fact, appears to be the actual state of Rajasthan, and such was the actual state of Europe until, after the ninth or tenth century, other causes, and other influences led to the universal adoption of the feudal law.

That the feudal system of Europe was the creation of the peculiar circumstances of the times in which it was established, may be inferred from the following considerations:—

First, the name itself was unknown to any of the Northern tribes, until long after they had settled themselves in their Southern conquests.

Secondly, The feudal system being much more calculated for defence than foreign conquest, had it been pre-established in the

plains and forests of Scythia, or Germany, it would have more probably attached the invaders to their possessions, than have sent them forth in such swarms to seek for new settlements.

And thirdly, it is at variance with all we know from authentic records of the laws and manners of the ancient Germans. We are, therefore, naturally led to enquire whence the Celtic kings or leaders could possibly derive such a power over property generally. It is true that kings, and military kings in particular, are apt to fancy themselves possessed of paramount rights, and to forget that all their power must either be derived from the people, or exercised with their consent ; but a Celtic leader could be under no such mistake. Nothing in history is better authenticated than that the earliest Germans possessed no such power in their primitive abodes ; and when they settled themselves in the Roman provinces, the conquered lands being partitioned by lot among the victors, the king or leader only received his *allotted* share. Neither could they have derived this power from any Roman usage. It is true that the Romans were habituated, from the commencement of their conquests, to allot parts of the conquered territory to a number of Roman citizens, on which towns were built, or colonies placed for the defence

and preservation of the province. Whole legions with their tribunes, centurions, and subordinate officers were placed in these colonies, and tilled the lands committed to them for their support. The Romans, indeed, never considered a nation completely subdued until they had established among the natives Roman arts, customs, and laws. But the right of property in absolute dominion was one of them ; and it is not likely the Romans would interfere with this right in the provinces they subdued, except in as far as regards the lands, which, as conquerors, they would naturally seize for their own support. When the Northern hordes, therefore, established themselves in the Roman provinces, they found the principle of allodality every where prevalent. Neither was it changed by them or their successors, for a period of about 400 years. We may, therefore, be assured that allodality was the original character of landed property in Europe, as it is found to be to this day in India — military service for the defence of the community being a law equally imposed on allodial proprietors in both countries. Feudal tenures properly so called, must, therefore, be admitted to have arisen out of predisposing events and causes, at a much later period, and to be exclusively

of European birth. It is, perhaps, no slight confirmation of this argument, that in all other respects but the fief, the character of landed property, in Europe, is, as we have seen, exactly paralleled by the usages of the East, in the corresponding stages of their respective civilization; whilst a more exact counterpart of an allodial Hindoo proprietor cannot be given, than in the picture above copied from Adam Smith, of the barons of England under the Saxon regime, or from the end of the 8th century, to the Norman conquest, A.D. 1066.

It is not, however, intended in drawing this parallel, to infer that the usages of one country are derived from the other. The parallel is of most use to shew that similar states of society will produce similarity of usages, and condition, among nations far removed, and holding no intercourse with each other. Dr. Robertson quotes a profound remark, on this head, by a philosopher* “ that the charac-
 “ ters of nations depend on the state of so-
 “ ciety in which they live, and on the poli-
 “ tical institutions established among them;
 “ and that the human mind, whenever it is
 “ placed in the same situation, will, in ages
 “ the most distant, and in countries the most

* Rob. Char. V. vol. i. p. 263.

“ remote, assume the same form, and be distinguished by the same manners.”

The assertors of Hindoo incapacity, would do well to reflect on this remark. If the political state, and social institutions of this people be advisedly weighed—if the darkness and despotism, of which they have been the victims for so many centuries, be fairly estimated—if the facts contained in this treatise, be contrasted with the stationary, and at times retrograde state of Europe, during the middle ages, and from the same causes—and if it be also considered that human improvement must be rooted in the mind, and that man can neither advance his condition, nor moral qualifications, unless the soul within him be moved to expansion by the circumstances in which he is placed, we shall not only perceive the force of the parallel, but be enabled more satisfactorily, and more rationally, to account for the observed torpor of Indians, than by ascribing it to so vague and undefinable a cause as immutability of caste, or natural imbecility of character.

SECTION XIX.

Further points of resemblance between Hindoos and ancient Germans.

Metayer system of Europe compared with that of India. Laws of inheritance alike in both quarters.

BESIDES the points of resemblance above adverted to, between the Hindoos and ancient Germans, there are others which may be briefly noticed. Such is the practice of human sacrifices;* their modes of administering justice; trials by ordeal; and compensation by fines for all descriptions of private wrongs;† the custom of approaching chieftains, and persons of consequence, with valuable presents. Tacitus mentions one usage of the ancient Germans, which is very remarkable, and as regards India is, I believe, peculiar to the Nayrs of Malabar. “ With some (he says) the relation of the sister’s children to their maternal uncle, is held

* The Gonds, and other wild tribes of the interior of India, offer human sacrifices to their gods to the present day. Whether these tribes are really of Hindoo origin is doubtful; but they also have features of resemblance to the Germans of the days of Tacitus.

† Compare Murphy’s Tacitus, vol. iv. p. 24, and the note referred to, with the laws of Menu, as translated by Sir W. Jones, on the subject of composition for crimes and injuries.

“ to be the strongest tie of consanguinity ;
 “ insomuch that, in demanding hostages, that
 “ line of kindred is preferred as the most en-
 “ dearing objects of the family, and conse-
 “ quently the most tender pledges.”* The
 Catties abovementioned worship the sun,
 and hold the moon in great veneration.
 Cæsar says, of the ancient Germans, that
 they acknowledged no gods, but what were
 perceptible to sight—the sun, moon, and fire.†
 The Catties practise polygamy, which, ac-
 cording to Tacitus, was not very uncommon
 among the Germans. The devotion of wives
 to their husbands in India, is well known,
 even to the excess of burning with the bodies
 of their deceased lords ; whilst widows, who
 prefer to live, never think of marrying again.
 Tacitus says of German wives, “ When the
 “ bride has fixed her choice, her hopes of ma-
 “ trimony are closed for life. With one hus-
 “ band, as with one life, one mind, one body,
 “ every woman is satisfied ; in him, her hap-
 “ piness is centered ; her desires extend no

* Murphy's Tacitus, vol. iv. p. 24.

† In Tacitus's time, the Germans also sacrificed to Mer-
 cury, Hercules, and Mars ; worshiped Isis under the figure of
 a ship ; and held certain woods and groves as spots conse-
 crated to pious uses.

“ farther ; and the principle is not only affection for her husband’s person, but a reverence for the married state.” In a note on this passage in Murphy’s Tacitus, it is added : “ In the epistle from St. Boniface already cited in this section, we are told that among the Vinedians, a rude and barbarous people, the sanctity of marriage was observed with so much zeal and mutual affection, that the wife, on the death of her husband, dispatched herself, *that her body might be burned on the same funeral pile with the man she loved.* Procopius gives an account of the same conjugal fidelity among the Heruli.” Adultery is punished in both countries by expelling the aduress, exposing her to public shame, and the singular custom of cutting off her hair. A German, according to Tacitus, transacted no business, public or private, without being completely armed. Formerly every Indian went armed to his plough. In many parts the practice is still common. A German chief prided himself on the number of his retainers. We have seen (p. 279,) how this also was the glory of a Malabarian Jenmkar.* Besides their ordinary

* Tacitus gives the following account of a German chief :
— “ The chief judges the pretensions of all, and assigns to

habitations, the Germans had a number of subterraneous caves dug by their own labour,

“ each man his proper station — a spirit of emulation prevails among his whole train, all struggling to be the first in favour, while the chief places all his glory in the number and intrepidity of his companions. In that consists his dignity : to be surrounded by a band of young men is the source of his power — in peace his brightest ornament — in war his strongest bulwark. Nor is his fame confined to his own country ; it extends to foreign nations, and is there of the first importance, if he surpasses his rivals in the number and courage of his followers. He receives presents from all parts ; ambassadors are sent to him ; and his name alone is often sufficient to decide the issue of a war.” — Murph. Tac. vol. iv. p. 18.

In reading this description, an old inhabitant of Malabar may perhaps recal to mind the character of men like Kyderec Amboo, and Uni Moota Mapilla. These distinguished chieftains were, for some years after our possession of the province, the terror of some of its inhabitants ; but the admiration of others. The former was not put down till the Madras Government marched a large army into Malabar, sufficient to disarm all its inhabitants. The fate of the Mapilla chieftain was at least more honourable to his victors. Capt. Watson had the merit of raising and training a corps of Nays, which he always commanded in person on every dangerous and important service. His contest with Uni Moota was one of the most chivalrous of his rare and useful exploits. It was undertaken and conducted by Capt. Watson with so much skill and perseverance, at the head of his Nayar band, that he at length accomplished the final overthrow and death of this formidable and intrepid warrior. Many other Malabar chiefs were highly esteemed by their followers and country-

and carefully concealed. From the numerous caves discovered in India, it is probable this was also a practice in former times with the inhabitants of that country.

But the point of most importance here is the question of property, and in these early times the only property, of any considerable value, was land.

On this head, therefore, I shall merely advert to one more point of resemblance, viz. the practice common to both countries of dividing the produce of land between the proprietor, and tenant or actual cultivator. This is well known in France, and other countries of Europe, under the denomination of the Metayer system. Generally speaking, this is considered as an equal division of the produce, half-and-half;* but in some provinces, (as in India), lands are held at *tier franc*, or a third of the produce; in others, a fourth, &c., according to the qualities of soil, and other circumstances. Where the system only yields a bare sustenance to the Metayers, the proprietor is obliged to furnish live stock, seed, buildings, repairs, and implements—in other

men; but such was the fame of these two leaders, in particular, that I can remember when their praises were chaunted in songs through all the principal bazars of the province.

* In some parts it is also called “a moitié fruit.”

words to supply the capital requisite for the cultivation of the farm. On some occasions the necessary expences and charges are borne, in fixed proportions, by both. Both these methods are also practised in India. In the time of Arthur Young, or in 1792, it was computed, that seven-eighths of the lands of France were held by this tenure, and extreme poverty and bad husbandry were its characteristic features; insomuch, that Mr. Young describes lands in France, as only letting for about one-fifth of what lands of the same quality would let for in England.*

Dr. Adam Smith classes the Metayer system among the discouragements of agriculture; but so long disused in England, that he can find no English name for it. He also considers it a step in the progress of improvement from the state of slave-cultivation, which formerly prevailed; the Metayers being a class

* Since the revolution, some of the occupiers of land in France have been raised to the rank of proprietors; but it is computed that more than one-half of the whole kingdom of France still labours under the intolerable evils of the Metayer system; so that "the business of cultivation (according to a French writer in the *Revue Trimestrelle* for April, 1828) is entirely carried on by the poorest and most ignorant persons; and agriculture the most abject and degraded of all employments."

which arose by degrees, and favoured by peculiar circumstances, out of the *adscripti glebae* of the middle ages. But the system both of slave-cultivation, and of cultivation by freemen at a *proportional* share of the produce, seems to have been common in Europe, as in India, from the earliest times; for the latter description of cultivators were known to the Romans under the name of *Coloni partiarii*. In India, the practice of dividing the actual produce of the soil was formerly universal, and having been in use from time immemorial between landlord and Ryot, was adopted into the revenue systems of the East, when sovereigns thought proper to substitute themselves for the true landlords of estates, and to appropriate the whole rent in the shape of public revenue. In India too, as in Europe, the effect of this system has been extreme poverty to the great mass of agriculturists; that is, in the times alluded to, to the great mass of the people. In *Vol. I. p. 568*, we have seen, on the authority of Mr. Colebrooke, the wretched state to which the Indian Ryot is reduced who cultivates at half produce; the necessity he is under of anticipating his annual crop for seed and subsistence; and of borrowing for both, as well as for his cattle, and for the implements of husbandry, at an usurious

rate of interest; whilst the common practice of Tuccavy,* or an advance of capital to assist Ryots in the annual cultivation of their lands, is not only another point of resemblance, but a proof also of the indigence of this very important class of the community.†

* *Vide supra*, p. 59.

† Of the following account of the system in France by a French writer, an exact copy may be found in many parts of India, both as regards its operation, and its effects. By substituting the word “revenue” for “rent,” and “Government” for “proprietor,” the description will equally suit both countries. “Sometimes a middleman, under the name of a *farmer*, is interposed between the landlord and the metayer. “This third party is for the most part a cunning inhabitant who “agrees to pay the landlord (government) a certain rent (revenue) independent of variations of harvests, acquiring in return a right to his share of the produce raised by the metayer. “The middleman takes no part in the labours of cultivation, “but he attends at all the harvestings of the metayer; he follows him to every market to get his half of the price of the produce. His art consists in getting more than this half; as he knows how to read and write, of which the other is most commonly ignorant, he is able to confuse the metayer’s accounts, and finally to plunder him. Under this master, “who is constantly present, the condition of the metayer is still more miserable. The metayer works, sows, reaps, and feeds on the produce; after he and his family are fed, the proprietor or farmer gets the remainder. The middleman “who has some capital, regularly pays the rent (revenue) to the proprietor (government); he makes little speculations on the sale of his produce, and sometimes becomes rich. This

As the expenditure of wealth is liable in despotic countries to various restraints, and the circulation therefore languid, it is but natural that the annual productions thereof should be accumulated in the hands of the favored, or the privileged, few. We accordingly learn from history, that the barons of

“ division is very convenient for the proprietor (government),
 “ whom it releases from the necessity of all surveillance, and
 “ to whom it affords some security for the payment of his rent
 “ (revenue); but it is destructive of agriculture, because it
 “ keeps the Metayer in a state of extreme indigence, who
 “ would cultivate less badly, were he allowed to make any
 “ profits or savings in abundant years; it hinders him from
 “ ever rising to the condition of a petty farmer; it puts the
 “ reward due to labour into the pockets of fraud.” Rev. Trim.
 April, 1828. I may here add, that the middleman of India,
 when advancing capital or funds to aid the Ryot, has been
 known to exact an interest on the advance, of three per cent
 per mensem, whence the reader may judge of the extremely
 wretched condition of the Indian cultivator, who, in addition
 to an excessive revenue, has also to discharge this, and other
 exorbitant exactions. If, under the European metayer system,
 (to use the words of the same French writer) “ la France est
 “ restée *stationnaire* dans presque tous les procédés de la cul-
 “ ture,” or, as M. de Chateauxvieux observes of the Metayers
 of Lombardy, “ always destitute of the means of acquiring
 “ capital, they remain *stationary*, and the result is *torpor*,
 “ which nothing but the want of food can overcome,” the
 stationary state, or torpor, of Indian Metayers, i. e. the mass of
 the population, can no longer be matter of surprise, or require
 to be accounted for from other causes.

the middle ages, both seigniorial and feudal, and likewise the church, had accumulated vast riches, whilst keeping their vassals and dependants in great poverty and wretchedness. We have seen in a preceding part,* how this also was the state of ancient India; and served to account for the accumulations of wealth found by its invaders in temples, and the strong holds and residences of the great, whilst the mass of the people languished in immutable ignorance and poverty.

But another evil chargeable upon this system, is the barrier it opposes to the improvement of agriculture. Arthur Young, and other writers, reproach it with being a cause of great misery and wretchedness to the lower classes. He describes Metayers in some parts so poor as to be obliged to borrow bread of the proprietors, in anticipation of a coming crop; and to subsist on this alone—a miserable compound of rye and barley—for some time before harvest. The produce of metaying husbandry he also represents as very deficient, and greatly inferior to what lands of the same quality, cultivated by farmers of capital, and a rotation of crops, would yield in England. The same effects have been

already described as resulting from the half-produce cultivation of India. In France, the state of agriculture is said to be improved since the Revolution ; but the metaying system still continues ; and as the French law of inheritance, similar also to that of the Hindoos, occasions a division and subdivision of estates into minute properties, and farms, it is apprehended that these causes may long operate to check agricultural improvement in France.

Although the metaying systems of both regions are thus found so strongly to resemble each other, and in both to be productive of the same evils, there is still one point in which the metaying system of India is fraught with even greater calamity than its Western counterpart. Enough has been said in preceding pages of its general effects. I shall, therefore, only subjoin one more remark, in which the result, as regards the two countries, will be found materially to differ. The European metayer enters into a voluntary arrangement with a proprietor ; both parties being well acquainted with the value of the land ; and, after dividing the produce, and providing for necessary charges and expences, incident on one, or the other, or sometimes on both parties, according to circumstances, the

remainder is their own unmolested share. When the Hindoos were, as in former times, left in quiet possession of their estates, this probably was the case in India also ; but when Mussulman taxation 'took the place of Hindoo rents ; and that rents, and revenue, came to be, as they are to this day, confounded ; the process of dividing produce with the Indian metayer was altogether compulsory. He had not only to satisfy the government demand for revenue, but the rapacity of those employed to collect it. He had also to provide for the expences of cultivation, and often to supply a pittance to the ousted, but real, proprietor of the estate. In Europe, therefore, however indigent the metayer may be, the proprietor is left with the means, and generally in the secure possession, of property ; but under the revenue systems of India, the proprietor is reduced to as destitute a state, as the metaying Ryot, and oftentimes to worse. Poverty, therefore, in India, is *universal* ; our revenue system, as before abundantly explained, the sole cause ; and whilst the Court of Directors continue to maintain the Mussulman doctrine of an indefeisible right to a moiety of all that is, or all that may be, produced, their own interests are blindly sacrificed ; they blight the resources of go-

vernment by the very act through which they mean to provide for future increase. The metaying system of India, therefore, carries with it all the disadvantages of a *proportional* tax on profitable employment. It is an effectual bar to all improvement. The agriculture of the country can at best be but stationary; for who would undertake the hazard of fresh enterprise, where all the loss, in case of failure, and a fraction only of the profit, if successful (and, perhaps, not that), were to be his own?

This discrepancy, however, attaching wholly to the revenue system we have thought proper to adopt, does not affect the original character of the institution. In the preceding review, on the contrary, it has been shewn that landed property, in both regions of the earth, was, originally, on the same footing; that it was not a sovereign gift or grant, but acquired through individual means, and held, and acknowledged, in full proprietary right. In both regions too, when roving tribes became settled and agricultural, they naturally fell into the same mode of managing and cultivating land; for in both countries do we find much the same system of leasing, farming, and assigning; of cultivating both by freemen and predial slaves;

the same right of sale and transfer; the almost universal practice of mortgages; the high estimation in which this description of property was everywhere held; and the aristocratical privileges it conferred on all the greater landlords.

I may here add, that the rules of inheritance were also much alike in both countries. It has been already remarked (*vide p. 242.*) that landed property in India, according to the provisions of Hindoo law, descends, in equal shares to all the sons of a family. It is likewise a law of Malabar, (perhaps may have been common formerly to other parts of India,) and a remarkable proof of the inviolable character of landed proprietary rights in the East, that even in cases of attainder, or convictions for high treason, or other capital offences, the estate of the criminal is not forfeited, but descends without prejudice to his heirs. In treating of the tenure of Gavelkind in England, Judge Blackstone (vol. ii. p. 84.) considered it as one of the fragments of Saxon liberty, and concurs in the opinion of the learned Selden, that Gavelkind, before the Norman conquest, was the general custom of the realm. Among the distinguishing properties of this tenure, he observes, that “the
“ estate does not escheat in case of an at-

“ tainder or execution for felony ; their maxim
 “ being, the father to the bough, the son to
 “ the plough.” He also adds that “ the lands
 “ descend, not to the eldest, youngest, or any
 “ one son only, buſt to all the sons together ;
 “ *which was indeed antiently the moſt uſual*
 “ *course of deſcent all over England.*”

Though Gavelkind lands are not ſubject to eſcheat for felony, &c., they are, as in Malabar, ſubject to eſcheat for want of heirs.

In fact Gavelkind is only one of the varieties of ſocage tenure, of which Du Cange obſerves, “ in ſocagio hæreditas dividitur inter
 “ omnes filios per partes æquales.” As all lands therefore were ſocage, which were not held on condition of military ſervice —“ *Fundus omnis qui non poſſidetur per ſervitium militis, per ſervitium ſocæ poſſideatur*”— it may be concluded that the law of inheritance in ancient Europe, was the ſame as now exiſts in India, until by the introduction of feudalism it came to be altered in reſpect to military or chivalry tenures.

SECTION XX.

Erroneous opinions entertained in England of the real character and capacity of Indians. The European character from the same causes as little improved throughout the middle ages.

IN some late remarks by one of our ablest journalists, on the war now pending between the Russians and Turks,* it is observed “ in
 “ the East Indies, the French first, and our-
 “ selves afterwards, formed armies of natives,
 “ and these men, led by Europeans, are al-
 “ lowed to fight gallantly ; but though Sepoy
 “ regiments have been often disbanded, and
 “ numbers of trained natives have been al-
 “ lowed to disperse themselves over the face
 “ of the country, and to enter the service of
 “ native princes, they have never been able
 “ to organize of themselves, a native force.
 “ The moment they cease to be led by Euro-
 “ peans they are ineffective. The Turks,
 “ however, are evidently a very different de-
 “ scription of people. They are probably
 “ little, if any thing, inferior in capability to
 “ the Western Europeans ; and one or two
 “ Sultans, like the present, may succeed in
 “ availing themselves of European arts, and

* This was written about the middle of 1829.

“ in giving to their armies that discipline,
 “ which at present enables the Russians to
 “ defeat them.”

The opinions given in the preceding extract are very commonly entertained throughout Europe; to which is generally superadded a notion that native Indians are wanting in the quality of personal courage, which particularly distinguishes the European character; but it is of great importance to our future connection with Asia that the fallacy of these opinions should be disclosed.

In the first place it is a mistake to suppose that the native princes of India “ have never been able to organize of “ themselves a native force.” The writer of this article must surely have forgotten such histories as the battle of Paniput; the total subversion of the Mogul empire by a Hindoo power; the career of such men as Hyder Aly, and Tippoo Sultan; the defeat and surrender *en masse* of British armies to native powers; the retreat and even flight of others; the ravage of our finest provinces even to the gates of their metropolis; the successful resistance of a second-rate chieftain to five different attempts in 1805 by Lord Lake’s army to storm the fort of Burtpore; and its being thought a glorious exploit when it fell at last in 1826 (but not till stormed) to a British force of

25,000 men. All these occurrences, I say, with many others of a like stamp, must have slipped the writer's memory, or he must think them fabulous tales. No facts, however, in history are better authenticated. It is equally certain that there is not a native prince, nor petty chieftain, in India without an armed native force. Their contests have been as numerous, their ambition as aspiring, their enterprizes as daring, and their battles as bloody, as in any part of the western world, in times when its civilization was no further advanced than the present state of the East. The mistake probably arises from comparing Indians, *as they now are*, with the most enlightened people of modern Europe; and because an obvious difference between the two families is now perceptible, the moral defects of the less advanced country (and would it not be a miracle were it otherwise?) are erroneously ascribed to natural imbecility of character. But in what respect, I would ask, were the nations of Europe, in the dark or middle ages, superior in manners, in refinement, in knowledge, in the arts of peace, or the science of war, to modern Indians? If a nation, or nations had then existed, sufficiently advanced to produce such armies as those of France, and England, in the present

day, and sufficiently enlightened to send forth such commanders as Napoleon Buonaparte, and the Duke of Wellington, is it possible to conceive that the semi-barbarians around them would not, in pitched battle, be slaughtered and driven like sheep from every field, as Clive, and Lawrence, and Coote, drove before them the native armies of India ? But this is a question of discipline, of science, and civilization ; not of personal bravery. Instances of enthusiastic courage, of heroic devotion, are innumerable in the histories of the East ; and of fortitude in suffering, and voluntary submission to pain and privations, not to be surpassed by the most exalted of European martyrs. If, therefore, strength and vigour of mind, natural talent, energy, and industry, suited to their existing political state, be proofs of any value, the seeds of that moral growth which, under better culture, raised the Western nations to the eminence of which they now boast, are assuredly not wanting in India. Adequate stimulation and instruction are its only need.

Secondly, it is a mistake, in my judgment at least, to suppose the Turks “ a very different (that is a superior) description of “ people to Indians, and little, if any thing, “ inferior to western Europeans.” If this

were the case, why have they not improved as rapidly as western Europeans? This argument has often been used to taunt Indians with moral incapacity; but if it be good for any thing, how comes it that the superior Turk has been for ages just as stationary as the incapable Hindoo? When 40,000 Turks, on the banks of the Danube, can make little or no impression on a small body of 4000 Russians, the politicians of the day exclaim, "This is precisely what we should expect from the character and tactics of the two people." Or when Buonaparte invaded Egypt in 1799, what enabled him to disperse Turks, and Mamelukes, like chaff, but the very same cause — the same superiority of knowledge and science, which gave victory to Clive at Plassy, and to Wellesley at Assye. The Turks, indeed, have had greater opportunities and means of improvement, than the other nations of the East. They have had more constant intercourse with the western Europeans. They have inhabited for ages the borders of science and civilization; and with the admission of their alleged superiority, how are we to account for their stationary and backward state? The fact, however, is, that as long as despotism, propped by ignorance and superstition, can hold the

human mind in fetters, the Turks, like all other people, must continue to be the victims of its sway. But we see, and hear, and know, more of Turkey than of other eastern countries. It acts, occasionally, an important part in scenes of European diplomacy. Our newspapers, books of travels, and periodicals, bring it more frequently to our notice. We are more interested in its affairs, than in those of countries withdrawn from our observation by half the circumference of the globe. And when it was expected, though as the event has shewn without any just grounds, that the Turks, under a sultan of genius and vigour, would resist more successfully than usual the progress of the Russian arms, we fancied we discovered at once, in them, a superiority of character, little if at all below that of their European neighbours. Let us hope, therefore, that when we make the same discovery regarding Indians, *it may not be to our own severe cost.*

Nothing is more common in this country than for gentlemen, some who have, and others who have not, been in India ; to speak of the natives as wanting in courage, energy, and moral character, when compared with the more enlightened and civilized inhabitants of Europe. The error appears to me to arise, partly from prejudice, one man adopting,

without due consideration, the opinion of another; and partly from contrasting the present natives of India with a people under circumstances so widely different, that “as far as the East is from the “ West,” so far have the former been always removed from the means of European improvement. Of the social virtues of native Indians, we see daily as much as can reasonably be expected, and of their vices as much as can easily be accounted for, from the nature of the governments under which they have so long groaned. Of their courage and energy, however, it is really surprising to me that any man, who has long served with them, and studied their character, or even read their histories with attention, should be led, on this head, to entertain a moment’s doubt. True valour is most admired where it is accompanied with high-mindedness, disinterestedness, and generosity of disposition; and no country affords more brilliant examples than are to be found in the lives and exploits of many thousands of native Indians, as several existing works abundantly testify. Conscious, as I am, of having already loaded these pages with details, which to many readers may be tiresome, I must here content myself with referring, not only to the historical facts al-

ready noticed, but to a work entitled, “ Origin
 “ and State of the Indian Army,” to a very able
 article on that work in the 36th Number of
 the Quarterly Review, and to the splendid
 work of Colonel Tod on the exploits of his
 favorite Rajepoots. The reader will there
 find innumerable instances of true heroism,
 and chivalrous courage, of noble-mindedness,
 of the most disinterested spirit, of exalted
 generosity, of inflexible fidelity, of personal
 attachment to their officers, of manly resig-
 nation under privation and sufferings, of for-
 titude, resolution, and calm contempt of
 death ; in short, of every quality that raises
 men to distinction above their fellows, and
 entitles them to our unqualified veneration
 and esteem. When these qualities are au-
 thenticated to be of common occurrence in a
 community, it is but fair to presume, that
 other persons abound who only wait the oc-
 casion to be called forth. Of this an in-
 stance is given in the history of the Governor’s
 body-guard at Madras. When a real hero of
 that corps, Shaik Ibrahim, was killed in ac-
 tion, and his conduct highly, and most de-
 servedly extolled in public orders ; others of
 the corps were stimulated to distinguish them-
 selves by a most daring exploit, not led on by
 European officers, but instigated by their own
 natural valour. The leader of this gallant

band fell in the attack ; and the survivors, in reporting it to their commanding officer, observed that their fallen comrade “ only desired to convince him, there was more than “ one Shaik Ibrahim in the body-guard.” But the reader who still doubts, may consult the works I have referred to with advantage, and if he rises from the perusal unconvinced, I should despair of curing his unbelief “ even if one were sent from the dead” to attempt it.

In the estimates formed of the supposed superiority of the European character, and the natural inferiority of the Indian, it appears to me that sufficient attention is not paid to what must be the basis of all human improvement in every quarter of the globe, *the culture of the mind*; nor, perhaps, to the political state of Europe at different periods; more especially to the important fact, that despotic power, *per se*, has always been more effective to debase, than free institutions to exalt, the national character even of the European families. It has been already stated that the spirit of liberty was never actually extinguished in Europe; that it existed not only before, but after, the establishment of the feudal system among all the nations of the West; and that, with this advantage, it was rather matter of surprise that the pro-

gress of moral improvement and civilization should have been so slow in this quarter of the globe. Europe, during the middle ages, has nothing in its history of which its people have reason to boast. From the fourth to the sixteenth centuries, darkness overspread the land ; and during this long period of mental depression, although modes of government, and political constitutions, greatly varied, — although at no time were the forms of liberty more perfect than during a portion of this long period — yet small, indeed, were the advances made in moral improvement, or in the knowledge of most effectually promoting national prosperity. On the first appearance of the northern invaders, as the conquerors of southern Europe, they appear to have enjoyed among themselves a degree of freedom, and independence, scarcely compatible with a state of social union ; but as they became settled and possessed of properties requiring to be protected, and worthy to be preserved, this extreme state of freedom was gradually intermixed with various restraints. Regular governments were necessarily established, and under the monarchical form, because all originated in military power. The authority of kings, however, was at first extremely limited. They were only the

greatest landed proprietors of their dominions. With the exception of some few unimportant privileges attaching to royalty, all power and influence, civil and military, was shared, or usurped, by the other great proprietors of the kingdom within their respective properties or estates, so that the king himself was almost a cypher out of his own demesne. Standing armies were at this time unknown. The great proprietors, like the Jenmkars of Malabar paid no revenue from the produce of their estates; and though obliged, on certain occasions, to supply a train of armed dependants or vassals, still as this service was only for a limited period, and that kings were thus dependent on the influence they possessed over their nobles for support in public or domestic wars, it effectually checked the permanent establishment, in their hands, of an all-subduing military force. Although the kingdoms of Europe might thus be said to consist of numerous distinct petty tyrannies, instead of the government being concentrated in one; yet the jealousy in which the great proprietors lived, both of their king, and of each other, their constant quarrels, and even precarious hold of their possessions, rendered conciliation, and concession, to the lower orders of society, frequently necessary; and so

far operated as limitations on the exercise of despotic power.

From these and other causes, charters of immunity or franchise were granted to certain towns and villages by the lords on whom they depended. At first, however, they merely manumitted the inhabitants from the yoke of servitude, and from certain oppressive and ignominious services. The towns were not erected into corporations ; neither were they entitled to a municipal government, or to the privilege of bearing arms ; but a fixed tax, or rent, was established, which they were to pay to their lord, in place of impositions, which he could formerly lay on them at pleasure.

Notwithstanding these immunities, Europe seems to have groaned, for six successive centuries, under the yoke of a military aristocracy. Down to the end of the tenth century, no improvement is perceptible in the state of society, or of government. The power of the nobles, on all ordinary occasions, was unbounded. • They had reduced the great body of the people to actual servitude ; the condition even of freemen being little preferable to that of slaves. Throughout this long period, therefore, the superiority of the European character did nothing. Europe was one wide picture of desolation, violence, and in-

security — “ On the earth, distress of nations
 “ and perplexity, men’s hearts failing them
 “ for fear, and for looking after those things
 “ which are coming on the earth.”

But in the eleventh, twelfth, and thirteenth centuries, circumstances gave birth to communities in different parts of Europe of a perfectly democratic character. In Italy, for example, during the struggles between the emperors and popes, many of the chief cities assumed the privilege of governing themselves. Many acquired the right, and established their perfect independence, by bold and fortunate usurpation. Others purchased it of the emperors, and some received it gratuitously from the princes on whom they depended. Not content with these advantages, they seized the territory adjoining their walls; dispossessed the barons of neighbouring castles; and annexed their estates to their respective communities. The growing wealth, and dominion, of these corporations, together with the security they gave to ~~their~~ respective members, raised them at length so high in general estimation, that in the twelfth century many of the nobles were desirous of becoming members of their body. For this purpose they voluntarily abandoned their ancient castles, to reside for a part of each year

in the city of which they had become burghesses ; binding themselves to obey its magistrates, and to do their utmost to promote its honour and welfare ; for which the community took them, their family, and friends, under protection ; engaging to defend them against all enemies. In this way all the great cities of Italy became free and independent ; and such was their power and influence, that, when Frederick Barbarossa attempted to reduce them to their former state of submission, the free cities, joining in a general league, stood on their defence ; and, after a long contest, extorted from the emperor a solemn treaty of peace, concluded at Constance, A. D. 1183, by which all the privileges and immunities granted to them by former emperors were confirmed, and ratified.

In Spain communities of the same description arose, and apparently from the same causes as in the other nations of Europe ; and had attained to so much political importance, that in 1118 they were declared to be of equal rank with the equestrian or second order of nobles. In 1133, we read of their having representatives in the Cortes. In 1350, eighteen cities of Castille were so represented. In a subsequent Cortes, 48 cities, the number of their representatives being

125: and when, in 1390, on the death of John I., a regency was appointed to govern the kingdom during the minority of his son, one-half of the members were taken from the nobility; the other half were deputies chosen by the cities. The maritime laws of Barcelona were of such high repute as to be very generally adopted by commercial states and cities; and the magistrates of this latter city claimed the right of being covered in presence of their sovereign, and treated as grandees of the kingdom.

But the power of the monarch was more circumscribed in the kingdoms of Aragon, and of Castille, than in any of the other feudal nations of Europe. In Aragon, kings were long elective. The real exercise of power was lodged in the Cortes. This assembly consisted of the higher nobles, or Ricos hombres; the equestrian, or second order of nobles; the representatives of cities; and the ecclesiastics. Without the Cortes, no tax could be imposed; nor war declared; nor peace concluded; nor money coined; nor any alteration made in the current specie. The Cortes reviewed the proceedings of all inferior courts, inspected every department of administration, and redressed all grievances. For several centuries its sessions were annual;

after the beginning of the fourteenth century, once in two years ; and when once assembled, it could not be prorogued, or dissolved, without its own consent.

Besides these checks, the Aragonese had an officer called Justiza, or supreme judge ; whose duty it was not only to controul the crown in the exercise of its prerogatives, but like the Ephori at Sparta, and Tribunes at Rome, to shelter the people against the oppressions and encroachments of the great. The person of the Justiza was sacred, and his authority almost unbounded. It extended to every department of the state ; he himself being only accountable to a tribunal, or committee of the Cortes, who met three or four times each year, to review the acts and proceedings of the Justiza, on any appeal made to them for that purpose.

In Castille the Cortes exercised nearly the same powers as in Aragon ; and on the union of the two kingdoms under Ferdinand and Isabella the same forms were of course preserved.

There were other checks on power in Spain, which it would be tedious to mention. As far as outward forms go, we have here as free constitutions of government as the sternest patriot could desire. All the great

cities of Italy were pure democracies: and the government of Spain, at the time, probably the most restricted monarchy on earth. What field, therefore, could be more favorable for the display, or expansion of the “superior” European character? Yet what was the progress made? Dr. Robertson gives it in a few words, when describing “the frequency of rapine, murder, and every act of violence in all the provinces of Spain during this time, as absolutely amazing, and presenting to us the idea of a society but little removed from the disorder and turbulence of that which has been called a state of nature.”* This, indeed, was very much the state of the rest of Europe, throughout the long and dark period of the middle ages. Some slight improvement is discernible after the tenth century; but it glimmers only like the long and dubious twilight of a polar day. Although the authority of kings was every where circumscribed in feudal countries, it was kept down in the other states of Europe by the overgrown power of a military aristocracy, whose quarrels and jealousies spread anarchy and devastation throughout the fairest regions of the West. With the spirit of liberty uni-

* Rob. Char. V. vol. i. p. 429.

versally prevalent, and often vigorously enforced, it contributed so little of itself to improve the moral condition of the people, during twelve successive centuries, as to be recorded of them in the sixteenth, with all their boasted superiority, that even in their own favorite science of war, they were still decidedly inferior to the Ottomans of Turkey. When, therefore, in the course of events, and by the aid of standing armies which, after the example set by Charles VII. of France in 1445, came into general use, the power of the feudal aristocracy was effectually broken throughout Europe, absolute monarchy gradually established itself on the downfall of baronial independence, and equally triumphed over that liberty which had been till then the freeman's boast.

In no countries have these effects been more conspicuous than in Italy, and Spain, which for this reason are particularly instanced here. Once the favoured abodes of liberty, displaying itself in the vigour of luxuriant growth, but gradually decaying from ignorance and superstition, and finally expiring under the blight of despotism, where are we to look for the boasted superiority of their people? It hence appears, that neither the spirit, nor the forms of liberty are alone sufficient to ensure

advancement in national prosperity. Moral and intellectual improvement is its best and surest foundation. It has accordingly only advanced steadily in those countries of Europe, as England and France, where civilization and knowledge have at the same time made their greatest progress. We learn also from European history, how, under different political circumstances, and in different stages of civilization, the character of nations as pointedly varies. The ancient patriotism of Rome is not to be found in the tame submission of its citizens to a Nero, a Caligula, or Domitian ; in the almost unresisting opposition of Italians to frequent invasions by the French, and by German arms ; nor in their present quailing to the tyranny of Austria. Neither is the pride, the honor, or the free spirit, of Spain and Portugal to be found in the wretched crouching of its present inhabitants to a despot, or usurper, holding them in worse than negro thralldom. These are traits, with which nothing in the Indian character, or history, is base enough to be compared—a degenerate and degrading fall from the Roman virtue, and high Castilian spirit of their fathers, to which the history of nations can scarcely furnish a parallel.

SECTION XXI.

Further remarks on the Indian character compared with the European under like circumstances, as to property and political state.

HAVING in preceding pages adduced so many striking features of resemblance between the early inhabitants of Europe, and the natives of India, in what must be considered to have been, in the times alluded to, the chief usages of life ; it may now be asked, whether it is reasonable to suppose, that the *natural* character of these two races should be so different, as that the one should be remarkable for genius and vigour, the other for confirmed incapacity ?

This question may perhaps be answered by stating another. It may be said — “ The political economists instruct us that property, and the security of property, are the basis of all improvement in human society ; and since property would appear, in both parts of the world, to have been equally secured to its owners by the same allodial rights, how comes it then to pass, that there should be such marked difference in the result ? ” The best answer, I conceive, that can be given to this last question is, to admit the position of the economists in

its fullest extent. Property, and landed property more particularly, is favourable to the diffusion of wealth, through which the subsistence, and comforts of the community at large are promoted; and in proportion to the rank and influence of great landed proprietors, the power of royalty must necessarily be circumscribed, or abridged. It is therefore, to a certain degree, favourable to liberty. Now it does appear to me, that, down to a certain period, these effects were equally, and contemporaneously, in force in both countries. In regard to the Hindoos of former times, we have little more to depend on than the opinions of learned authors, who have penetrated deeply into the literature, and history, of this ancient people. Among others, the name of Sir William Jones must ever be mentioned with the greatest respect. He was of opinion, that the ancient Hindoos were civilized, polished, and enlightened, to an extraordinary degree; and though Sir William's description may be partly the exaggerated language of partiality, still if we admit, what I have before intimated to be probable, that the Hindoos of rank and property, previously to the Mahomedan conquest, were as far advanced in improvement, as the higher classes — Brahmins and others — of the present day, we should still have a

race in India of more polished manners, and enlightened minds, than anything I can conceive from history of the rude and haughty barons of the tenth, and eleventh, centuries. Writers on the ancient Germans, and the primitive institutions of Europe, are apt to give a glow of romantic colouring to their descriptions; arising perhaps from natural admiration of the daring deeds of a warlike people, and from the favourite notion, inculcated by no less an authority than Montesquieu, that in the forests of Germany—*gentis cunabula nostræ*—was to be traced the origin of that beautiful system, the British constitution. Making therefore due allowance for national partialities, and looking merely to the facts of history, we may, I think, safely conclude, that, up to this period, India was at least as far advanced, if it had not the advantage of Europe, in polished manners, and most of the arts of civilized life.*

* For my own part, I can only conceive of the ancient Germans, that they were much on a par with the Catties and other predatory tribes still existing in the interior of India—beings who, originally, in the pastoral state, were, it is probable, as the surrounding population increased, hemmed in to particular limits, which they then appropriated, and have ever since possessed; but living apart in jungles, shut out from the advantages of civilized life, they still continue unchanged

Some persons may still think that, though the points of resemblance between the former

the manners and customs of their earliest ancestors. The Catties are stated to be—the males a bold athletic race—the females (Cattrieyanies) proverbially graceful and beautiful. The men are obedient to their chiefs in war, and on plundering expeditions; but otherwise, as free individually as the absence, or nearly so, of all civil restraints can make them. The following note by Mr. Murphy, on a passage in Tacitus, exhibits at once that secret sense of admiration which we are apt to entertain for German courage, and warlike exploits, coupled with facts indicative of their real habits: “It appears from Cæsar’s account, that they had another way of exercising their courage, when their nation was in a state of profound peace. They deemed it highly honourable to lay waste the country all round their frontier, conceiving that to exterminate their neighbours, and suffer none to settle near them, was a proof of valour. They had still another kind of employment; *robbery had nothing infamous in it, when committed out of the territories of the state to which they belonged*; they considered it as a practice of great use, tending to exercise their youth, and prevent sloth and idleness.”—(vol. iv. p. 232.) Again he observes (p. 235.), “*Plunder and rapine were the only revenue of the chief.*” These are precisely the habits of modern Catties, Bheels, and others, who think it no shame openly to profess themselves public robbers in their negotiations and correspondence with the British government. And when we read in later times of the inhabitants of a country being absolutely exterminated by the successors of these German heroes, and of such men as the “illustrious” Charlemagne (who was unable to write his own name) murdering by one decree 4,500 Sax-

inhabitants of India and Europe are striking, there are yet no traces among the Hindoos of that spirit of liberty for which the ancient Germans are represented to be remarkable. To these persons I would beg leave to observe that the liberty and equality of our German ancestors, are the liberty and equality of the primitive state of man ; and which Dr. Robertson finds to be exactly paralleled in the existing condition of American savages. But of the Hindoos, as a pastoral people, like the Germans, we have no account (some few tribes only excepted). We only know them after property had grown up to create distinctions, which necessarily subvert the natural liberty, and equality, of the primitive state. But property is, in all human societies, the root of power. Wherever there is power, it will be exercised. Wherever it has the good things of this life to bestow, it will find abundance of subservient courtiers. Where these two causes are accompanied with ignorance, and superstition, in the multitude, despotic power is invariably the result.

ons for no other crime than loyalty to their legitimate sovereign, it can give to a reflecting mind no very exalted notion of the civilization or moral improvement of Europe up to this period.

In respect, therefore, to liberty, the advantage has, probably, always been on the side of Europe, for reasons which will be immediately given. It is true that in Malabar and Travancore, we have existing proofs of princes with as limited authority as the kings of a Saxon heptarchy ; and landed proprietors as powerful, and independent, as the allodial barons of Edward the Confessor ; and this may have been, and probably was, the case formerly in other parts of India. How absolute monarchies were raised on the suppression or controul of the power of these great proprietors is not so minutely described in Indian, as in European history ; but if an aristocracy, like that of Malabar, and the south of India, existed once universally, of which there can be now no rational doubt, some such process must have occurred to establish the Hindoo kingdoms we read of previous to the Mahomedan conquest ; and probably by the same means as in Europe—standing armies in the hands of the prince. Meanwhile, both the religion and literature of the Hindoos were peculiarly favorable to despotic power. No other system of government ever entered into the contemplation of their learned men ; and the profound ignorance, in which the great mass of the people were kept by the policy of

the Brahmins, tended perhaps more than any other cause to confirm, with the spiritual, the despotism also of the political, power.

As far, therefore, as property *alone* can be supposed to influence the advancement of human society, it appears to me to have produced corresponding effects in both parts of the world ; till a political revolution in India, briefly described in *Part II.*, threw back this devoted country, and its inhabitants, through a series of unheard-of calamities, into the lowest depths of misery, of poverty, and of primeval darkness. In the year 1000, this flood of desolation began its destructive course, and overspreading the land, like an universal deluge, involved for eight centuries in its fell abyss, millions of human victims ; annihilated in the conquered provinces every trace of private property ; and destroyed at once, the power and the hope of improvement ; demoralized the human mind by habituating it to the practice of the vilest artifices for self-preservation and defence ; and ultimately succeeded in reducing it to the degradation of yielding even a satisfied submission to the severities of its fate.*

* One of the most distinguished professors of the present day, describes similar effects in Turkey, as proceeding from

the same causes — “ When the Turkish conquerors (he says) overran those fertile and beautiful countries in which, to the disgrace of the other European powers, they are still permitted to encamp, they parcelled them among their followers on condition of their performing certain military services on a plan corresponding, in many important particulars, to the feudal system of our ancestors ; but none of these possessions, except those assigned to the church, is hereditary. They all revert, on the death of the present possessors, to the sultan, the sole proprietor of all the immoveable property in the empire. The occupiers of land in Turkey having, in consequence of this vicious system, no security that their possessions will be allowed to descend, on their death, to their children, or legatees, are comparatively careless of futurity ; and as no one can feel any interest in the fate of an unknown successor, no one ever executes any improvement of which he does not expect to be able to reap all the advantage during his own life. This is the cause why the Turks are so extremely careless about their houses. They never construct them of solid or durable materials ; and it would be a gratification to them to be assured that they would fall to pieces the moment they had breathed their last. Under this miserable government, the palaces have been changed into cottages, and the cities into villages. *The long continued want of security has extinguished the very spirit of industry, and destroyed not only the power, but even the desire to emerge from barbarism.*” — M'Culloch's Pol. Econ. p. 78.

SECTION XXII.

Causes of improvement in Europe. Discovery of the art of printing. Its vast advantages and effects. Symptoms of a corresponding advancement observable in the East. Concluding remarks.

WE may now enquire what was, at this juncture, the state of Europe. It was conquered, like India, by Northern hordes ; but fortunately saved from Mahomedan doctrines, and Mahomedan law ; and blessed, through the favor of Heaven, with purer light. There was no universal absorption here of the right of landed property ; which continued on the contrary, without interruption, to be acknowledged, and exercised by individuals, under the different tenures above described. Though the princes of Europe sought, by establishing and favoring feudal tenures, to strengthen their own power, they were disappointed in the results. The feudal barons, secure in the possession of their estates, soon came to be as refractory, and unmanageable, as the seigniorial barons of a former age ; so that landed property in Europe lost nothing of its original character, except the mere change introduced by the feudal law ; and nothing of its natural influence.

Although perfect security of person, and

property, is the true basis, or ground-work, of human improvement, it is not every thing. According to Lord Bacon, “ knowledge is “ power.” It is the mind of man which raises him to superiority over the rest of the creation. It is by mind alone that he rules all living creatures, and moulds all matter to his will. It is from the mind that all improvement, as all mischief, springs. When person and property are sufficiently secured to enable man to prosecute, without fear, the occupations of life, and the peculiar biasses of his nature, it is to the improvement of mind that he must look for all the higher advances in prosperity. Property, and accumulated wealth, will carry him to a certain pitch of luxury, and civilization ; but the cultivation of his mental powers, is indispensable to his further advancement in virtue, in happiness, in all the higher enjoyments of life, as well as in the means both of acquiring, and defending, them. Here lies the secret of superiority of character, and even of superior power. In this respect the difference between India, and Europe, is marked and important. The system of India has been, as we have already seen, uniformly favorable to the prevalence of despotic power ; and the perpetuity of ignorance among all but the privileged few. The religion, and litera-

ture of India, being at all times ill calculated to enlarge the minds, even of the instructed classes, improvement could hardly be expected in the commonalty—the despised and neglected of the species. They had neither history, nor philosophy, qualified to arouse the powers of thought; neither practical examples, nor theoretical models to contemplate, or to incite them to overleap the barriers, which were thus opposed to the diffusion of light. But this does not imply incapacity of nature, so much as the vice of system, and defect of means; and when it is moreover imputed to this much injured people, as proof of their imbecility, that they have yielded to foreign conquerors, does this argue greater inferiority than may justly be ascribed to modern Italians, Spaniards, and Portuguese? Have any people on earth more shamefully, and more repeatedly, submitted to foreign conquest, and the power of the sword? and yet no one acquainted with that fine race of people, in particular, the modern Italians, would ascribe to them *natural* imbecility, or think them, *as individuals*, unworthy descendants of their Roman ancestors. The weakness and disunion of their governments, superstition, bigotry, and ignorance, are much more rational causes to account for their fre-

quent submission to a foreign yoke, and for their present degraded state.

But in treating of Europe, we must not confine our views to peculiar circumstances affecting certain families ; but rather extend it to causes of more general or universal operation. Of all the nations of the earth, which have been more distinguished than the ancient Greeks and Romans ? and to what is their superiority to be ascribed, so much as to their superior knowledge and literature—in other words to the improvement and refinement of their minds ?* When the Roman empire fell a prey to the overwhelming hordes of barbarians, which poured in from the North, darkness for a while overspread the land ; and civilization took a retrograde course. But all

* Quintilian, in comparing the Roman character with that of the Cimbrians, and other barbarous nations, says, “ We do not abound in numbers more than other nations, nor are our bodies more robust than the Cimbrians. We are not richer than many powerful monarchies ; our contempt of death does not exceed that of the barbarians who have no allurements to make them fond of life. • What gives us the advantage over other nations, is the military system established by the institutions of our ancestors ; our attention to discipline ; our love of labour ; and our constant preparation for war assiduously kept alive by unremitting exercise. *We conquered more by our manners than by force of arms.*”—Quint. pro Mil. Declam. iii. s. 14.

was not lost. Landed property, though violated, was not destroyed; but continued to exercise its natural influence; and, in this universal wreck, the elements even of moral improvement were not altogether extinguished. Although knowledge and literature seem to have fled the earth, a “a still small voice” was yet preserved, among the remnants that were saved, intended to humanize and enlighten future generations. In the midst of barbarous ignorance and havoc, equal to any thing that at a subsequent period afflicted the regions of the East, Europe had still to boast “a pure and humble religion, which “gently insinuated itself into the minds of “men, grew up in obscurity, and gained “strength from opposition, till at length it “established the triumphant banners of the “Cross on the ruins of the Capitol.” The literature, too, of Europe was, as before explained, (*vide Part II.*), of a totally different stamp from that of India; and in every respect better calculated for moral improvement. With all these advantages, however, it must be admitted, that, down to the period of the eleventh century, the progress of learning, and consequently of moral improvement, was very slow in Europe; probably as stationary, as it has continued ever since, from the same causes to

be, among the people of the East. Books existed, but they were all manuscript; and copies, even when they could be procured, were extremely dear, so that the diffusion of knowledge was of course proportionably checked. During the dark ages, heathen works, and libraries, were deemed objects of vengeance, and destroyed by the early Christians. The devastations of the Goths and Huns, the capture of Rome, and plunder of Milan, occasioned the destruction or mutilation of vast numbers of manuscripts. On the other hand, the fanaticism of the Moslems proved equally destructive to literature. After their conquest of Egypt in the seventh century, the famed Alexandrian library was ordered to be burnt; and such (says the historian) was the incredible multitude of its volumes, that six months was barely sufficient for the consumption of the precious fuel. By this event all communication with Europe was cut off; and the Egyptian papyrus being no longer procurable, writing was little practised, until the art of making paper was discovered in the eleventh century, when manuscripts again began to encrease.

After the establishment of monasteries, the transcription of books became a common employment of the monks. Copies

were thus preserved, and some of the monasteries were noted for the cultivation of literature. But by a singular piece of economy, the monks themselves contributed to a fresh destruction of manuscripts, after the conquest of Egypt by the Saracens. The difficulty of procuring papyrus paper (only produced in Egypt) raised the price of parchment; and the monks having discovered a chemical process for taking out writing, either used it, or erased by hand old manuscripts, to clear skins of parchment for legends, or psalm books, which they then sold to the common people. In this way numbers of ancient manuscripts were again destroyed; insomuch that books were exceedingly scarce, and dear, through a great part of the middle ages.

From the sixth to the ninth centuries, schools and academies were lost in Europe. They were restored for a time, and universities established, chiefly by the care of Charlemagne, who died, A. D. 814, after a reign of 47 years; but after his death darkness again prevailed in Europe.

The *general* introduction and establishment of schools in Europe is, therefore, to be ascribed to the beginning of the 11th century, at which time several were opened, in Italy and France, by qualified persons among both the laity

and clergy. It also appears that paper, from linen rags, was now invented ; that a general tendency to engage in commerce was manifested ; and industry promoted by the security and enjoyment of private property.

The cultivation of literature, and of the mental faculties, followed as another consequence of the security, and enjoyment, of property. To this end the monasteries, and schools, above-mentioned mainly contributed ; and though books were still manuscript, yet an eager desire to possess, and to study, them was now prevalent ; so that the revival of learning, and consequently of improvement, in Europe is traced, and from the causes above assigned, to the same period in which despotic power, and fanaticism, struck their deepest roots among the generations of India. The dawn of that light, which was destined to illuminate the Western hemisphere, was thus coeval with the first gatherings of the storm, which permanently involved in midnight darkness the devoted regions of the East.

Finally, the fifteenth century is remarkable in Europe for the discovery of the art of printing ; a discovery, which has done more, than perhaps any other, to heighten, and improve, the character of the nations of the

West. Its effects cannot be better described than in the eloquent language of a late publication. "The advantages which have been derived from the invention of printing, are vast and important. The productions of men of genius and learning, the records of literature and of science, of whatever is either brilliant in imagination, or profound in thought; whatever may either adorn, or improve, the human mind, thenceforth became imperishable. The light of knowledge cannot again be quenched; it is free and open, and accessible as the air we breathe. The future history of the world, may, indeed, disclose enough both of misery and of vice; but it cannot again present an universal blank, or be disgraced by another age of utter and cheerless ignorance."*

From these advantages India has been wholly shut out, until the latter end of the last century; when printing began to be practised at the different presidencies; and Indian, as well as European, works, to be more generally circulated and read. Since this period, the progress of the natives, whose wealth and leisure have enabled them to prosecute mental acquirements, has been such as to

* Life of W. Caxton, p. 32.

excite, not merely admiration, but astonishment. Schools, and literary associations, have been established at the different presidencies, and in other parts, in which natives of all casts have greedily sought instruction ; but what is most surprising is, that there are several natives now in India, whose acquaintance with the English language is so perfect, as to enable them to write it with all the idiomatic elegance, and grammatical purity, of accomplished scholars. The writings of that extraordinary man, Ram Mohun Roy, are too well known to require encomium from me. His celebrated petition to the king in behalf of a free press for India ; his “ Precepts of Jesus ;” his “ Appeals to the Christian Public ;” his “ Defence of Hindoo Theism ;” “ Translations of the Upanishads,” and various other tracts, are works that will immortalize the name of Ram Mohun ; and leave future generations to wonder, that English writings of so much beauty and excellence should be the production, not of a natural-born Briton, but of an enlightened, self-taught, Indian Brahmin.

Many other natives there are now in India, whose literary attainments are really surprising ; more especially when we consider that this extraordinary knowledge has been

acquired, not in public schools, or academies ; with the aid of instructors to conquer difficulties, and where rivals, or exemplars, are a powerful stimulus to exertion ; but in the retirement of secret study, where the pure thirst of knowledge, the noble ambition of moral improvement, has been their only motive, and their only guide.

That the reader may judge for himself in a matter of so much importance to this country, and to India, I annex, in the Appendix, specimens of the writings of sundry natives. These documents will shew that I have not over-rated their talents, or their powers. The letters, here produced, are a few which have casually fallen into my hands. Multitudes of others, of the same description, might be produced. It will be seen that these could never have been written for publication ; most of them being in the free chit-chat strain of epistolary intercourse. Let the reader, therefore, carefully peruse these simple proofs ; and then ask himself what evidence they contain of natural incapacity. It may be doubted whether these productions could, in purity of composition, be equalled, they certainly could not be surpassed, by the most enlightened foreigners of Europe.

With all these facts before us — with the sincerest conviction of my own mind of their importance, as well as truth—I now again appeal to the constituted authorities in England ; and solemnly say, Beware ! Recollect, Gentlemen, that “ knowledge is power.” You have now laid the foundation of it among an acute and intellectual people. Its diffusion is inevitable. The schoolmaster is abroad with his primer, pursuing a course which no power of man can hereafter arrest. A light is now rising in the East, destined to attain meridian strength and splendour, and to “ shine more “and more unto the perfect day.”* Through the medium of schools, literary meetings, and printed books, all the learning, and the science, of Europe will be greedily imbibed, and securely domiciled, by the Hindoos of India. Knowledge, Gentlemen, is power. The immortal tree is at length planted in India ; and if its growth be skilfully directed, may yield to Britain the fruits of everlasting honor, and of permanent prosperity. But beware of error ; and, above all, beware of injustice ; for deviation into these crooked paths will now be fatal, and may shake the props of your own imperial existence to their very base. You

* Prov. chap. iv. ver. 18.

have now reigned over India for upwards of half a century ; but, however good your intentions, you have persevered in a system not to be reconciled with reason, with justice, or humanity ; and for which you have no better apology, than that it was the system of your barbarous predecessors. Your institutions *must* be reformed. The natives of India will soon learn, if they know not already, all the errors and inapplicability of your system. They have long felt its overwhelming pressure. They will soon know that rights, and duties, are reciprocal ; that if you assume the right to govern, duty requires that you should do it, first for their benefit, next only for your own. If, on the contrary, the course of your future government be to dethrone, and pension, independent monarchs ; to controul others by dictating residents, and the presence of subsidised armies ; to make treaties, and to break them at the suggestions of self-interest ; to compel all the powers of India to acknowledge your superiority, and yield obedience to your will ; if your domestic institutions be ever changing, and the object of every change perpetual encrease of the annual tribute ; you will find for the future, or I grossly miscalculate, that an acute, discriminating and enlightened, community will no longer be disposed to place blind con-

fidence in your professions ; but to judge you by your deeds. You have a heavy debt of justice to repay. It will be demanded at your hands ; and the opportunity is about to be afforded you of discharging it liberally — with equal satisfaction to the claimants, and immortal credit to yourselves. But if you neglect the opportunity, and determine to follow up your past erroneous courses and oppressions, I say, again, beware ! The knowledge now diffused and diffusing, throughout India, will shortly constitute a power, which three hundred thousand British bayonets will be unable to controul. That government, which has been so often called a government of opinion, must for the future have some better support than the idea of its military superiority. The natives of India are now in a state to desire your protection ; and they will gratefully return the boon, if it be granted with real liberality and justice. The ground-work of the future fabric should be co-operation with the natives in the government of themselves ; and for which, under due controul, they will be found far better qualified than those to whom it has hitherto been entrusted. But if you persevere in merciless exactions, and in enforcing the doctrine of passive obedience — if your domestic policy be a system of expedients, and the ob-

ject of your foreign policy, military supremacy, the day may not be far distant when you shall feel, in disappointment and disgrace, how feeble is physical, compared with moral, power ; and in the downfall of the magnificent empire of India,

———tot quondam populis terrisque superbum
Regnatorem Asiæ. —

may add one more page to the proofs given by history, that fleshly arms, and the instruments of war, are but a fragile tenure, and “ soon to nothing brought,” when opposed to the interests, and the will of an enlightened people.

A P P E N D I X.

APPENDIX.

FOR the three first letters in the following selection, I am indebted to the kindness of Sir Alexander Johnston, Vice-President of the Royal Asiatic Society, whose services and experience in the East eminently qualify him to judge of the real character of native Indians. It is to the accurate discernment and sound judgment of Sir Alexander Johnson, when filling the high offices of Chief Justice of Ceylon, and first Member of His Majesty's Council, that we owe the first institution of native juries in India. He established the system in Ceylon in the year 1811, when the right of sitting on juries, which had before been confined, as in other parts of India, to Europeans, was extended, under certain modifications, to every native on the island. These modifications were so judiciously adapted to the habits and prejudices of the natives, that in a report to the Government of Ceylon in June, 1817, by the advocate fiscal, it is represented, after an experience of seven years, to have been attended with the most beneficial effects; and, by gratifying the native inhabitants, to have warmly attached them to the British Government. When Sir Hardinge Giffard succeeded to the Chief Judgeship in 1820, he soon became fully sensible as well of the merits, as of the benefits of this institution. In an address from the bench, on opening the criminal sessions, he adverts, in pointed terms, to the advantages of thus wisely raising the native inhabitants in their own, and in general estimation, by causing them to participate in the administration of justice among their own countrymen. He mainly ascribes to this cause the tranquillity of the provinces subject to the

Ceylon government, and the entire absence from the criminal calendars, for the two preceding years, of every offence bearing the slightest tinge of a political character; and he closes an eloquent eulogium on the system, with the following just tribute to the merits of its founder: —

“ Of one of them (Chief Justice Sir A. Johnston), holding
 “ as he still does that station in society so well merited
 ‘ by his talents and services, it would be difficult in me
 “ without indelicacy to offer more than that tribute which
 “ it would be injustice to withhold. To his perfect knowledge of the native habits and character, and his extensive acquaintance with their institutes, it was owing
 “ that the jury system was thus so skilfully adapted
 “ even to their prejudices, and so deeply rooted in their affections, as to have had the consequences in which
 “ we now rejoice.”* In this document we have prac-

* As. Jour. vol. xx. p. 288. For a full account of the jury system on the Island of Ceylon, the reasons for proposing it, the mode in which it was carried into effect, and the consequences of its adoption, see also As. Jour. vol. xxiii. p. 807.

By the 7 Geo. IV. cap. 37, native jury trial was introduced, under certain limitations and restrictions, into the King's courts at the different presidencies in India. In the 23rd, 24th, 25th, and 27th volumes of the Asiatic Journal, some interesting documents will be found on this subject. Among others, some letters from natives, written in a nervous style, and as purely grammatical as those which follow in this Appendix. It is, indeed, curious to compare the expressed wish of enlightened natives for the full establishment of native jury trial in India, with the opinions of sundry official persons, who appear to have been consulted as to the advisableness, or otherwise, of introducing the system into India; and who, with one only exception, are opposed to it. Their reason seems to be, that jury trial is only fitted for a country.

tical proof of what the natives of India are capable, when their moral powers and influence are judiciously directed and applied. The following letters will, I presume, be admitted as a further confirmation of the same fact. To Nos. I. II. III. and IV. I have subjoined a few private notes (V. VI. VII. VIII.) which have fallen into my hands, and which serve to shew with what accuracy and politeness the natives express themselves in ordinary familiar intercourse.

Instances of similar acquirement are now common in various parts of India. Knowledge is spreading far and wide. Let legislators, therefore, look to their acts, and no longer suffer themselves to be deluded with the idea, that in native Indians they have to deal with a nation of incapables.

like England, far advanced in civilization, and the knowledge of civil government; and therefore ill suited to a population so backward and frail as the natives of India. The inference to be drawn from this argument is, that the authorities consulted must have considered jury trial as a comparatively modern institution in England, and forgotten that,—if not as old as old Woden himself,—it is at least as old as the days of our good king Alfred, or even of the first establishment of civil government by the Saxons in England; and no one, I presume, will pretend to compare the semi-barbarians of those days with the more enlightened and respectable Hindoos, and Mussulmans, of modern India.

Where the natives of India object to the institution, it is on the ground of invidious distinctions and preferences given by the act to Indo-britons, and native Christians, over every class of their Hindoo and Mussulman fellow-subjects. In this respect, the provisions of the 7 Geo. IV. are by no means so judicious as the arrangements adopted by Sir Alexander Johnston in Ceylon.

No. I.

Copy of a Letter from Radhakant Deb, to Sir Alexander Johnston, Chairman, &c. dated Calcutta, 20th May, 1827.

To Sir Alexander Johnston, Knight, Chairman; the Deputy Chairman, and the Committee of Correspondence of the Royal Asiatic Society of Great Britain.

GENTLEMEN,

With sentiments of respect, I have the honour to acknowledge the receipt of a very kind letter from you, together with a copy of the prospectus of the Society.

Your proposal to insert my name among your correspondents, is most gratifying to me, and I beg to present my best and respectful thanks for the honour the Society intends conferring, which cannot but be highly acceptable to me.

Born, and residing in a country, as this, where mechanical knowledge is very little cultivated, it cannot be expected that the natives should possess any elevated degree of knowledge in arts and manufactures, with the exception of what they are daily practising, the scanty remains of that which their forefathers have left, and the knowledge of which has descended through Mahomedan, despotism and cruelty. As your invitation is flattering, I will not however, fail to take every opportunity of keeping awake our correspondence, connected with the sciences and polite literature of the Hindus!

The formation of societies for the promotion of the knowledge of science and literature in general, as well as of arts and manufactures, is beneficial to the country where such bodies are united; but when they link with similar societies, or individuals of talent, in other countries by correspondence, the benefit arising therefrom

is universal, especially when those learned men communicate their ideas to one another without regard to nation or religion.

In this good work the Europeans have far surpassed other nations ; and allow me to express my admiration of the plan the society has adopted for the diffusion of knowledge, by opening a correspondence with the natives of Hindostan, who cannot but feel immeasurable pleasure and gratitude, at the conviction that their rulers, in common with your society, are ever watchful to promote the welfare of the ruled, by the dissemination of knowledge, of literature, and arts among them. .

As the Report of the Calcutta Agricultural Society, of which I have the honour to be Vice President, will soon be published ; I need not give you an account of the same here.

Some time ago I published a Bengaly Spelling Book, in imitation of a similar useful work in English, by Mr. Lindley Murray, a copy of which, as well as a copy of the first volume of a copious Dictionary, entirely in Sanscrit, compiled by me, on the plan of an Encyclopædia, I beg leave to send, and request the society will have the goodness to give them a place in their library ; allowing me, at the same time, permission to transmit the subsequent volumes, with the preface and appendix, when issued from the press.

Having lately had occasion to refer to the Agni Purana, I found a passage therein, which convinced me that the division of the day and night into twenty-four hours, from midnight to midnight, by Europeans, is of Sanscrit origin ; and as it may be a point deemed desirable to be known by many English gentlemen, I beg leave to transcribe the original, accompanied with a translation of it.

“ Ghatike dwe Muhu'rtah sy'at tai Strinsatyá divá nise, Chaturvinsati Belá bhi rahorátram prachacsyate.”

“ Suryodayádi vijneo Muhurtanam cramah Sadá, Paschimá dard'ha rátrádi Horánám vidyate cramah.”

“ Two Ghatikas make one Muhurta, of which thirty, a day and night. Twenty-four Belas are said to constitute a day and

“ night. It is to be remarked, that the course of the Muhurtas
 “ is invariably from sun rise, and that of the Horás from mid-
 “ night.”

The interpretation of the above two Quatrains is this ; that thirty Muhúrtas are equal to a day and night ; which two are comprised in twenty-four Belás or Horás ; and that the computation of day and night by thirty Muhúrtas is from sun rise to sun rise ; and that by twenty-four Belás or Horás from midnight to midnight. Hence it appears, that the word hour is probably derived from the Sanscrit term Horá ; especially when the exact correspondence of the latter with the Greek and the Latin Hora is considered.

Wishing you success in your benevolent exertions towards effecting the objects of your interesting society.

I remain, with due respect and regard,
 Gentlemen,

Your most obedient Servant,

RADHAKANT DEB.

Calcutta,

May 20th, 1827.

*Plan of the Sanscrit Lexicon, entitled the “ Sabda Calpa
 Druma.”*

Nouns or words are collected from all the Coshas, or dictionaries procurable in Bengal, as well as from the literary, scientific, and religious manuscripts in common use here. They are arranged together with Dhátus, or roots, in alphabetical order. The genders of words, and the indicators of roots, and their various significations, and figurative meanings are supplied. Their explanations in the Bangalee tongue, and synonymous terms, are inserted after the explication of one of the known words. Articles of the

Materia Medica, &c. with their properties, and the causes and symptoms, &c. of diseases are deduced from original treatises. Received law decisions on several points of Hindu religion, and moral laws are added. The scientific terms are explained after the mode of an English Encyclopædia: for instance, under the word Alankāra, (rhetoric); and Ch'handa, (metre); their indications and illustrations are given. Under the word Dāya Bhāga, the decisions concerning division of inheritance are specified, and so forth. The authorities of every word are subjoined, or if not procurable, examples or etymologies are annexed. A preface, and a short grammar of the Sanscrit language are to be prefixed.

The Author intended to distribute this work, after the whole was printed and bound; but the printed sheets which have been laid up in store, for many years, being subjected to various accidents and injury, he is induced to reprint a few forms of the same, and to publish it by numbers. The reason of so much delay is owing to this, that the author, at his leisure, compiles words, puts them in order; corrects proof sheets, (which are daily numerous) writes manuscript copy, either himself, or gets it done by some learned man under his immediate dictation and inspection, and consults and discusses with the respectable pundits of this, as well as other parts of the country, who frequent his house on various occasions, as to any terms or authorities, respecting which there are doubts and different opinions. Under these circumstances, the completion of the work will be unavoidably delayed. An account of this Dictionary may be found in the second Report of the Calcutta School Book Society, p. 50. Friend of India, of 1820, No. 1. p. 128, and the Preface to Dr. Wilson's Sanscrit and English Dictionary, p. 38.

No. II.

Copy of a Letter from Ram Raz, to Richard Clarke, Esq.

Madras, 13th October, 1827.

SIR,

Overpowered with feelings of the most sincere gratitude, I know not how to express my thanks, for your most obliging and highly valuable letter. Nothing, I assure you, could be more honourable to me than such a mark of your kind regard, and nothing more flattering than the favourable sentiments which you express towards me, of which, I trust, I shall ever retain the most lively remembrance. Your charming description of the country you reside in could not fail to awaken a train of ideas in a mind which had early been accustomed to admire the laws, manners, customs, arts, and sciences of the western world; especially of that happy island which sways India at the present day with the highest renown. How happy should I think myself, as you justly observe, could I come amongst you for a while, and visit a country where every object affords such abundant matter for contemplation. What rational pleasure could I not derive from a free and unreserved intercourse with an excellent, hospitable, intelligent, and kind hearted people in their native land, and in their native simplicity of character; and how delightful is the idea of seeing the several places celebrated for so many glorious actions recorded in history, abounding in natural curiosities, and adorned by exquisite artificial decorations! But, alas! so long as unavoidable circumstances stand in the way, I can only lament the absence of an enjoyment which, perhaps, will never fall to my lot. While such are the distant prospects, I must only console myself with that pleasure which I may still expect to enjoy in my own native land, by following your excellent advice, which at once inspires me with vigour, and excites me to the improvement of my mind; and I hope the moral principles which accompany

it, may lead me to a right application of whatever useful knowledge I may acquire.

Since my last letter to you, I have collected ample materials for an essay on our architecture. I am now engaged in examining them, and hope to be able to send you the result of my examination by the next season. Mrs. Gwatkin has kindly promised to take any thing that I may wish to forward to you. Works on Silpi sastra are very scarce in this part of the country; and even the few scattered fragments that can be had are scarcely intelligible to our best educated pundits, as they are so' full of memorial verses, and technical terms, that none but those who have been regularly initiated in the study of the art can comprehend them fully. As to our Silpis themselves, you know they are generally men of very limited acquirements, and totally unacquainted with the science, so that the task of explaining this obscure subject has become exceedingly difficult. I often attempted to unravel it, with the assistance of many artists and pundits, who had been supposed to know any thing of the matter, and as often despaired of meeting with any success, at length I have fortunately found a good sculptor of the Cuminati tribe, a native of Tanjore, who is well acquainted with the practical part of the Hindu architecture, and with most of the terms used in the art. With his valuable aid, I have already been enabled to solve many intricate problems, and to remove many difficulties, against which I had long been struggling. It is a melancholy truth, that those venerable sages to whom our works on arts and sciences are attributed, in endeavouring to communicate instruction to the world, have been guided rather by a mistaken ambition of rendering themselves reputable by the difficulty and abstruseness of their style than by an anxiety to make themselves intelligible; and to this, indeed, is that almost general ignorance among the Hindus in the arts and sciences chiefly ascribable. I have now, in my possession, four standard treatises on architecture, and expect to have some more from different provinces; and I confidently hope, that the result of

my investigation will enable me to present to the Royal Asiatic Society, through you, a correct account of a science which may be now considered as almost lost for want of encouragement to study it.

I understand Dr. Babington has written to Mr. Aitken, the secretary of the Literary Society here, for works on the same subject. I have offered him the use of those I have collected, and communicated to him at the same time the commission which I have had the honor to receive from you. That Gentleman had the kindness to lend me two books which he had himself procured through the means of Mr. Oliver, for the purpose of being forwarded to you in England; they are at present of very great use to me in collating the copies in my possession, and in correcting the numerous errors with which the manuscripts are replete. I am also much indebted to Mr. Aitken, for the kind assistance which he has promised of procuring me some English works on Architecture, for my own information. I am very anxious to forward to you my essay on this subject as soon as possible; but as to its reception in England, I am very apprehensive; however certain I may be of pleasing you by my alacrity in obeying your orders, though not by the merit of my work. Your approbation alone will be an ample reward, and will have a great influence on my future labours. The question of caste too, is one that particularly requires elucidation. All that has hitherto been written on the subject by Europeans are not only imperfect but incorrect. The reputed works of Ward and Dubois, abound with numerous instances of gross misrepresentations, notwithstanding all their boasted opportunities of knowing accurately the manners, customs, &c. of the Hindus; and the elegant historian of British India merely copies the unfavourable reports of those prejudiced writers. I do not mean to deny that there are many exceptionable and vicious customs among that great body of people who inhabit this vast region, and are divided into numerous branches, all of them widely differing in languages, modes of thinking, pur-

suits and even in religious opinions ; but to what extent they exist must be correctly defined. It would be uncharitable to draw general inferences from a few solitary instances, or to carry our prejudices against a particular class of people into the general body of them ; yet that such is the case with many of them cannot be denied. As to the different classification of the Hindus, nothing is more true than your observation, that the different designations of nations, classes, sects, tribes, occupations, &c. are all improperly termed by the word *caste*. In a census lately sent up by the collector of Malabar, there appears to be no less than three hundred different denominations of inhabitants in that part of the country ; almost all of which are unintelligible to a European. I wish indeed that some of my countrymen possessing the requisite qualification could contribute something towards a correct solution of the question which has long been disputed, between the advocates for the antiquity of the Hindu system of astronomy, and those who ascribe to it a modern date. There are various abstract subjects connected with Hindu literature, which are still very little known to Europeans, among which may be reckoned our philosophy ; the leading principles of which have been for the first time so ably illustrated by the learned director of the Royal Asiatic Society, in the first volume of the Transactions of that highly respected association. I think, I once observed to you while you were in India, how much I was delighted with his valuable essays, on the accuracy of which, and on the profound learning of the author, it would be presumption in me to offer my humble opinion. It was not easy for me to persuade certain of our wise men with whom I happened to speak on the subject, that a European gentleman was the author of those papers, and that they were written in England without the assistance of any of their own class. I hope he will continue to favour the world with similar views of our other philosophical systems in his future essays. A separate dissertation on our dialectic philosophy, illustrating at some length the different kinds of evidence,

(Pramāna) will be highly interesting to the learned in Europe, as bearing considerable affinity to the analytic system of Aristotle. But whilst I contemplate the advantages to be derived, by the western world from the existence of the Asiatic Society in London, whose labours are certainly worthy of the illustrious persons who compose that body, I cannot but express a hope that it will not fail to extend its beneficial influence to this country : and though my public employment allows me very little time, I shall not fail to contribute my humble mite towards their able and generous efforts through your kind medium.

I trust I have given you in my last letter, a pretty full account of what is doing towards the general improvement of knowledge in this country, and particularly of the studies that are prosecuting in the college. Our English classes, I am happy to say, are daily increasing, and I trust improving too. Many of our young men have commenced the study of mathematics ; and it is no small satisfaction to reflect that the objects of the institution will at no distant period be fully attained ; and we shall have a good number of able translators and intelligent teachers ; but I regret to add that want of encouragement still continues to obstruct the way of improvement. The School Book Society, though still in its infancy begins already to exhibit every sign of its growing maturity. A series of useful elementary works in the several vernacular languages, well adapted to young people, are in a state of preparation and revision ; and we expect to see them added to the list of the Society's publications. I cannot however help lamenting at the reflection that our success has not been commensurate with our ardent wishes, and that the similar institutions in the sister presidencies should have got the start of us in the race so happily begun. This tardy progress on our part is attributable perhaps not only to the lukewarmness of my own countrymen in Madras, but also to the remissness of our European patrons. I hope you have seen the very gratifying account of a meeting of the native inhabitants at Bombay, to express their regard for their

deserving governor, Mr. Elphinstone, on the occasion of his departure for England. They selected the very judicious mode of instituting a professorship in his name, for the extension of European arts and sciences in this country. Three native gentlemen subscribed 7000 rupees each, and upwards of 52,000 rupees were collected from the few persons that were present at the meeting. This liberality exceeds ~~any~~ that I have ever heard of. I regret there has been so much delay in the preparation of the piece of plate voted to you by the Madras inhabitants; it was certainly unavoidable. Our committee are very anxious to hear from their representatives in England on the subject. All your native friends are doing well except Vencataráya Sústri the most esteemed head Pundit in the Suder Adálut who died only two days ago. Mut-tusami, Candusámi, &c. desire me to convey to you their humble respects, and promise to write to you. Candusámi's abridgment of the Smirti Chondrica has been printed, and he intends to circulate notice of his work, and to forward to you a copy by the present opportunity. Being apprehensive that I may be considered as too tiresome a correspondent, I beg to conclude this letter, much hastier indeed than I am inclined to do. Wishing you and your family health, wealth, and every success in life, I beg to subscribe myself with the greatest respect,

Sir,

Your most obedient and faithful servant,

RAM RAZ.

To Richard Clark, Esq., care of Messrs. Small and Co.
Old Jewry, London.

No. III.

Copy of a Letter from Rām Raz to Richard Clark, Esq.,

HINDU ARCHITECTURE.

Madras, January 13, 1828.

SIR,

IN my last letter, which I did myself the honour of addressing to you, I expressed a hope that I should be able to forward you an Essay on Hindu Architecture by an early opportunity ; but I fear I have been too premature in forming such a hope. I little calculated upon the time that would be necessarily required for me to surmount the various difficulties with which I have to contend in elucidating a subject now so little known in this part of the country. Little did I see the extent of the field into which my research has since led me. It is true I have procured several treatises on architecture, sculpture, &c., and I have already mentioned to you how much I am indebted to Dr. Aitken for the two manuscripts which he had the kindness to procure for me ; but our best Pundits have given them up as altogether inexplicable ; and although these works are all composed in Sanscrit, yet, with the exception of some topics connected with religious rites, sacrifices, and astrology (which occupy indeed a considerable portion of the Silpa Sastra, and with which we have no immediate concern), I might, without any exaggeration, affirm that the whole are no more intelligible than the darkest oracles are, at least to those who are unacquainted with the science itself. Our Pundits, it is well known, are skilful enough in scholastic disputation respecting grammar, logic, and law, to which perhaps may be added a qualification, though less general, in mythological

poetry and metaphysics, and a partial knowledge of astronomy and medicine; but our architecture, sculpture, painting, &c. have been for ages confined to a class of persons whom our ancient legislators have ranked amongst the lowest order of society. This class, perhaps jealous of the Brahmins, whose sacerdotal authority they have always opposed with a spirit of independence; or more naturally apprehensive of competition in their trade, took particular care to conceal the sacred volumes, which have descended to them, from the rest of the people; but as they have on their part been long denied the benefit of Sanscrit literature, these treatises could be but of little use to themselves; and the consequence has been, that while the practical part of the science continued to be followed up amongst them as a kind of inheritance from generation to generation, the theory became gradually lost to the whole nation, if not to the whole world. Even the few scattered fragments which have escaped the hand which either jealousy or the fear of competition has raised to conceal, or rather destroy, the science, are now alike unavailable to those who kept them to themselves, and to the priests; the former being compelled to refer to the latter for the interpretation of the superior dialect, and the latter to seek from the former for definition of technical terms which neither the one nor the other seem to have been able to explain or understand accurately. This circumstance, more than any other, has cost me considerable time and expense, without any adequate advantage. Our best Dictionaries, at least the best that I have been able to procure, do not contain a single architectural term, and the best of our workmen have been so long disused to their own ancient style of building durable public edifices, that it is not to be wondered at they should now ascribe their ignorance of the art as revealed from heaven, to the want of encouragement which appears indeed to have ceased on the decline of native rule. Such is the state of knowledge amongst those to whom we could look for any illustration respecting an art, the study of which has been so long

neglected in this country, and the few manuscripts too which have withstood the corroding hand of time inevitably contain numerous errors and defects, which it requires no small labour and time to correct and supply.

These difficulties, combined with want of time on my own part to surmount them, discouraged me for a long while, and it is but lately that I commenced to translate and to take down extracts and notes of some parts which I have been enabled to make out. There still remains a great deal to be done; nevertheless, great reason have I to think, that what I have already executed will facilitate my future progress. At all events, if it please Heaven, I hope to be able to send you at least a part of the work by an early opportunity, and though I cannot promise that my performance will be such as to meet with the approbation of the Royal Asiatic Society, yet I trust it may not prove altogether unacceptable to that learned body of men, inasmuch as it may tend to draw attention to this important subject, connected as it is with the state of arts and sciences in India in early days.

The subject itself is curious, and highly deserving of the attention of the antiquarian and the philosopher. A correct account and accurate elucidation of the art of building, practised by the Hindus, must throw considerable light on the early progress of architecture in general. Some of the western authors have traced a certain resemblance in the leading features of the buildings in Egypt and India, and have thence concluded that there has very early been a communication of architectural knowledge between the two countries. But it is not altogether improbable that this resemblance may be merely owing to accident, inasmuch as in architecture, as well as in every other art, indispensably necessary to the comfort of mankind, two or more nations may possess something in common, without having any intercourse with each other; for the wants felt by man being the same, it is not surprising that the remedies resorted to for supplying them should be

also similar, or nearly so. If, on the other hand, however, both these countries had actually any connexion in early ages, it is hard to determine which of them may have been indebted to the other. The western writers on antiquities have not placed this matter beyond doubt. And, for my own part, I will not venture to affirm any thing with certainty, until I have collected sufficient information to form an opinion as to this alleged affinity in the architectures of Egypt and India. I humbly presume, therefore, that until the *Silpa Sastra* of the Hindus is correctly illustrated, and laid before the public, the question as to whether the art owes its origin to the one, or the other, of the two countries must remain problematical.

Whilst the subject of my present research opens upon me such a wide field of delightful prospect, notwithstanding the difficulties I already anticipated, I cannot but acknowledge, with painful sensation, my own incompetency for the task, which your kindness has assigned to me; and regret most sincerely that it has not fallen into abler hands. Diligence and fidelity, however, in the execution of the work entrusted to me shall not be wanting on my part; but the result of my labours can be only commensurate to the ability I possess, compared with the difficulty of the subject itself.

I hope what I have already said will give you some notion of the nature of the undertaking in which I am engaged, and of the little progress which I have hitherto been enabled to make in consequence of unavoidable delays, arising partly from the difficulty of the subject, and partly from the want of leisure. You are too well acquainted with my trifling acquirements to entertain high expectations in the performance of the task assigned to me. I only purpose to write a short but comprehensive essay on Indian architecture from the materials that I may be able to collect; to which I shall perhaps add some descriptions of a few temples and porticoes, principally taken from the Carnatic, with corresponding designs.

Wishing you and your family every success and prosperity in life,

I remain, Sir,

Your most obedient and

Faithful Servant,

RAM RAZ.

Richard Clark, Esq.,
Chiswick, near London.

Proceedings at a numerous and respectable Meeting of the Native Inhabitants of Bombay, held in the Library of the Native Education Society, on Tuesday, August 28, 1827.

THE meeting was opened by Madhowdus Rumshoddus taking the chair, at the unanimous request of the gentlemen assembled.

At the suggestion of the chairman, the object of the meeting was explained in the English, Mahratha, Goojratee, and Persian languages, viz. "To come to a resolution on the most appropriate method of attesting the affectionate and respectful sentiments of the native community towards the Honourable Mountstuart Elphinstone, on his leaving the government of Bombay, over which he has presided for the last eight years with so much virtue, ability, and integrity, accompanied with such invariable courtesy, kindness, and generosity."

Framjee Cowasjee rose to state that there were several methods of accomplishing their object; they might present a service of plate; they might erect a statue, or they might draw up a suitable address; the last of these he considered to be but a necessary accompaniment of some more permanent attestation of the feelings of their hearts. As to the terms of the address, there could be but one opinion; but he intreated the meeting to re-

volve in their minds by what other means they could most effectually perpetuate the remembrance of one to whom they had looked as their common father and friend.

The native gentlemen present then proceeded to discuss the various methods of carrying into effect their object, when it was at length

Moved by the chairman; seconded by Framjee Cowasjee, and unanimously resolved, That the most satisfactory and durable plan of carrying their wishes into effect, is by accumulating a fund of money to be vested in government securities, from the interest of which, according to its amount, one or more professorships (to be held by gentlemen from Great Britain, until the happy period arrive when natives shall be fully competent to hold them), shall be established under the Bombay Education Society for teaching the English language, the arts, sciences, and literature of Europe; and that these professorships, in compliment to the person in reference to whom the meeting has been convened, be denominated "The Elphinstone Professorships," with the reservation, however, from the principal subscribed, of a sufficient sum of money to defray the expense of a portrait of Mr. Elphinstone, to be placed in the library of the Native Education Society.

A subscription was in consequence immediately opened, when the following sums were subscribed by the members present :

	Rupees.
Roopjee Dhunjee	3000
Cursetjee and Jechangeer Ardaseer	1500
Jagonnath Shunkerset	3000
Dhackjee Dadajee	2500
Bomanjee Hormasjee	1500
Framjee Cowasjee (Bunajee)	7000
Moola Feeroz	200
Nowrojee Jemsetjee	700
Dadabhoy Pestonjee	1500

	Rupees.
Jemsetjee Jeejeebhoy	7000
Moohummud Ulee Rogay	3000
Wittoba Caunojee.....	1000
Aga Mahomed Soosty	1000
Cursetjee Manockjee.....	1000
Framjee Bomanjee	250
Hormasjee Dorabjee.....	750
Nagurdus Heerjee Moodee.....	750
Cajee Goolam Hoosam Mahun	200
Pestonjee Cursetjee Jumsetjee Modee.....	1500
Vinkajee Merjee	500
Rustomjee Couwasjee Patule.....	500
Moodee Sorubjee Vacha Gandhee.....	300
Bappoo Ragoonath Loshee	150
Couwasjee Manockjee.....	400
Wassoodew Gunnesh.....	100
Sapoorjee Sorabjee Paruk.....	325
Tarrachand Motteechund	200
Hunsraj Hurreedas	200
Luchmeechund Poonjaaj.....	500
Lalha Bhanjee.....	100
Saddooddeen Shaikally Coor.....	200
Jamnadas Jugjeevondas	100
Cullianjee Shamjee.....	100
Dumma Gopal.....	100
Gopaljee Khunje	100
Roopchund Run and Bhunallee.....	100
Munchurjee Tu loonjee and Co.....	300
Kaikhusroo Sorabjee	725
Suckharam Luxmonjee.....	200
Wittoba Ballajee.....	100
Luxmon Govindjee	100
Raghoba Jeevajee.....	100

Rupees.

Pundoorung Dulvee	50
Gunput Sadasheew Naik	50
Bhasker Croostu Naik	50
Nanjee Seskuru	500
Madhoba Rughoonathjee	50
Juggonath Shastree Krahnaondt	100
Mahommed Ibraheem Mucba	300
Ramjee Chuttoo	1000
Thucker Javiam Munjee	50
Dhunjeebhoy Framjee	1500
Cursetjee Jemsetjee Jeejeebhoy	1500
Furdoonjee Sorabjee	250
Moteechund Ameechund	750
Pestonjee Nowrojee (Bonajee)	500
Rustomjee Cowasjee (do.)	500
Mahomed Syed Rogay	1000
Moolna Esmail Kurrundad	50
Raheemodeen Shaik Bhicun	50
Mahommed Syed Purkar	200
Mahommed Abdulla Kulvakur	50
Ramechundra Shastree Junvakur	25
Sadasheew Kushecnath Ch'huttrui	300
Sorabjee Pestonjee	100
Shah Jogueedass Shiodas	500
Total	52,276

On the motion of Jemsetjee Jeejeebhoy, seconded by Kaik-husroo Sorabjee, it was

Resolved, That the subscription paper, together with a copy of the proceedings of the meeting, be circulated among the native inhabitants of Bombay for further contributions; and that it be sent to the out-stations for the same purpose.

Moved by Dhackjee Dadajee, seconded by Nowrojee Jemshedjee, and

Resolved, That a committee of native gentlemen be formed to carry these resolutions into effect, and to report to the subscribers when the measures proposed are sufficiently matured to enable them to hand up the address and resolutions to the Honourable Mountstuart Elphinstone ; the Committee to consist of

Jemsetjee Jeéjeebhoy

Davudus Hurjeevondas

Framjee Cowasjee

Jagonnath Shunkershet

Bomanjee Hormasjee

Mahomed Ulee Rogay.

Dhackjee Dadajee

And that Captain Jervis be requested to afford his aid as secretary to the committee.

The meeting then concluded with a vote of thanks to the chairman.

Subscriptions will be received by the members of the committee above named.

No V.

MY DEAR SIR,

I HAVE this moment the pleasure of receiving your note of this day. I beg to apologize to you for having kept until this time, the volumes which you very kindly lent me. Interruptions prevented me from completing my perusal of them so soon as I wished ; I now return them with my sincere thanks, and if perfectly convenient, you will I hope oblige me by a loan of the third, and by allowing me again a perusal of the second after a month or two. I think it is incumbent upon every man who detests despotism, and abhors bigotry, to defend the character of our illustrious minister, Mr. Canning, and support his administration if possible.

I will therefore embrace another opportunity of performing what I consider my duty. In the mean time I remain with sincere regard and esteem,

Yours most sincerely,

RAMMOHUN ROY.

October 9, 1827. — 7 P. M.

Pray excuse haste,

No. VI.

MY DEAR SIR,

ALLOW me to return the volume containing the evidence on the state of Ireland, which you so very kindly lent me. It is, I presume, impossible for an uninterested person to peruse it as it is, and not come to a determination to second the cause of Catholic Emancipation; I content myself with an appeal to your humanity and good sense. I regret very much that I, who am heartily anxious to co-operate with you in all religious and secular matters, should be compelled to differ so widely from you in this single but important point. As there is I fear no chance of any change in our respective opinions on this subject, I hasten to conclude this with my fervent wishes for your health and success in all your views and undertakings in India, and remain

Yours very sincerely,

RAMMOHUN ROY.

November 23, 1827.

No. VII.

MY DEAR SIR,

I HAVE been with infinite satisfaction given to understand by Col. Watson, that you opposed the emancipation of your Catholic fellow-subjects merely for the sake of argument, probably to know what the other party could advance in support of it. I was however at a loss till yesterday that a person like yourself, so liberal in every other point and so kind even to a humble foreigner such as I am, should be unfriendly towards his own countrymen,

and should be indifferent about their political degradation under the *cloak of religion*. I am now relieved from that anxiety, and wishing you with all my heart every success both at home and abroad, I remain

Yours very sincerely,

RAMMOHUN ROY.

December 8, 1827.

No. VIII."

MY DEAR SIR,

HAVING been for the last three months confined to the house by a return of my old and oppressive complaint, the asthma, which has oppressed me during the cold season most unmercifully, I regret I have not been able, in consequence, to do myself the honour of paying you my respects in person for a long while, but I hope to be able to do so shortly, as I imagine my cruel companion will leave me on the change of the season.

I am inclined to think the enclosed is intended for the individual bearing that name, who is employed at Colonel Imlack's office, and not for me, as the misnomer evinces, but it having been erroneously given me, I beg to return it herewith. Being still suffering under my distressing malady, I am totally unable to serve on the jury this session, but would be most happy to attend at the next.*

I trust that your honour and all the members of your family are enjoying perfect health and felicity, and remain with much respect and deference,

My dear Sir,

Your most obedient,

February 15, 1828.

And devoted humble servant,

HURREE HUR DUTT.

To B—— R——, Esq.

* This refers to a summons to serve on the petty jury ; the writer is a man of the first respectability and talent. — Ed.

